

MONDAY, MAY 9, 2011
THIRTY-SECOND LEGISLATIVE DAY
CALL TO ORDER

The Senate met at 5:00 p.m., and was called to order by Mr. Speaker Ramsey.

PRAYER

The proceedings were opened with prayer by Mr. Joe Rushing of Main Street Church of Christ in Springfield, Tennessee, a guest of Senator Roberts.

PLEDGE OF ALLEGIANCE

Senator Roberts led the Senate in the Pledge of Allegiance to the Flag.

ROLL CALL

The roll call was taken with the following results:

Present 33

Senators present were: Barnes, Beavers, Bell, Berke, Burks, Campfield, Crowe, Faulk, Finney, Ford, Gresham, Harper, Haynes, Henry, Herron, Johnson, Kelsey, Ketron, Kyle, Marrero, McNally, Norris, Overbey, Roberts, Southerland, Stewart, Summerville, Tate, Tracy, Watson, Woodson, Yager and Mr. Speaker Ramsey--33.

STANDING COMMITTEE REPORT

STATE AND LOCAL GOVERNMENT

MR. SPEAKER: Your Committee on State and Local Government begs leave to report that we have carefully considered and recommend for passage: Senate Bills Nos. 632, 953 with amendment, 1215 with amendment and 1951 with amendment; Senate Joint Resolution No. 276; and House Joint Resolution No. 192; also, recommend that Senate Bills Nos. 478 with amendment and 1224 with amendment be referred to Committee on Finance, Ways and Means.

YAGER, Chairperson
May 9, 2011

The Speaker announced that he had referred Senate Bills Nos. 632, 953 with amendment, 1215 with amendment and 1951 with amendment; Senate Joint Resolution No. 276; and House Joint Resolution No. 192 to the Committee on Calendar.

The Speaker announced that he had referred Senate Bills Nos. 478 with amendment and 1224 with amendment to the Committee on Finance, Ways and Means.

MOTION

Senator Norris moved, pursuant to Rule 32 and Article II, Section 18 of the Constitution of the State of Tennessee, **Senate Bill No. 2115** be passed on first consideration, which motion prevailed.

INTRODUCTION OF BILL

The Speaker announced that the following bill was filed for introduction and passed first consideration:

Senate Bill No. 2115 by Senator Finney.

School Districts, Special -- As introduced, changes method of electing the five members of the South Carroll County Special School District board of education from election of one member from each of five districts to election of all members on a district-wide basis. Amends Chapter 278 of the Private Acts of 1955; as amended.

MOTION

Senator Norris moved, pursuant to Rule 32 and Article II, Section 18 of the Constitution of the State of Tennessee, **House Bills Nos. 386, 625, 696, 954 and 1169** be passed on first consideration, which motion prevailed.

HOUSE BILLS ON FIRST CONSIDERATION

The Speaker announced that the following House Bills were transmitted to the Senate and passed first consideration:

House Bill No. 386 -- Election Laws -- As introduced, implements the "Tennessee Voter Confidence Act" only if the general assembly includes a specific recurring appropriation in the General Appropriations Act for the 2011-2012 fiscal year to cover all increased costs to counties directly attributable to the Voter Confidence Act. Amends TCA Title 2.

House Bill No. 625 -- Sunset Laws -- As introduced, extends the teacher evaluation advisory committee, June 30, 2012. Amends TCA Title 4, Chapter 29 and Title 49, Chapter 1, Part 3.

House Bill No. 696 -- Criminal Offenses -- As introduced, changes the sentence for the offense of rape of a child from a minimum of 25 years to a minimum Range II sentence; permits a Range III sentence to be imposed if appropriate. Amends TCA Title 39 and Title 40.

House Bill No. 954 -- Controlled Substances -- As introduced, revises various provisions regarding law enforcement access to the controlled substances database and the application process for such access. Amends TCA Title 53, Chapter 10, Part 3.

House Bill No. 1169 -- Sexual Offenders -- As introduced, requires registered sex offenders to report to registering law enforcement agencies prior to traveling out of the United States. Amends TCA Title 40, Chapter 39, Part 2.

MOTION

Senator Norris moved, pursuant to Rule 21, **Senate Joint Resolutions Nos. 329 through 343** be passed on first consideration and lie over, which motion prevailed.

INTRODUCTION OF RESOLUTIONS

The Speaker announced that the following resolutions were filed for introduction. Pursuant to Rule 21, the resolutions lie over.

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Senate Joint Resolution No. 329 by Senator Tracy.

Naming and Designating -- "Decade of Action for Road Safety Day", May 11, 2011.

Senate Joint Resolution No. 330 by Senator Campfield.

Memorials, Retirement -- Ruth Adams.

Senate Joint Resolution No. 331 by Senator Ketron.

Memorials, Public Service -- Linda W. Knight and Dianne F. Neal.

Senate Joint Resolution No. 332 by Senator Beavers.

Memorials, Academic Achievement -- Josh Plumlee, Valedictorian, Trousdale County High School.

Senate Joint Resolution No. 333 by Senator Beavers.

Memorials, Academic Achievement -- Mitch Merryman, Salutatorian, Trousdale County High School.

Senate Joint Resolution No. 334 by Senator Burks.

Memorials, Academic Achievement -- Aaron Hurley, Valedictorian, The Phoenix School.

Senate Joint Resolution No. 335 by Senator Burks.

Memorials, Personal Occasion -- Addine Dow, 100th birthday.

Senate Joint Resolution No. 336 by Senator Finney.

Memorials, Recognition -- McKenzie Elementary School, Bronze Award in HealthierUS School Challenge.

Senate Joint Resolution No. 337 by Senator Crowe.

Memorials, Recognition -- Johnson City Senior Center, 50 years of service.

Senate Joint Resolution No. 338 by Senator Kyle.

Memorials, Academic Achievement -- Taylor Monique Jackson, Salutatorian, Trezevant High School.

Senate Joint Resolution No. 339 by Senator Kyle.

Memorials, Academic Achievement -- Everett Stricklen, Valedictorian, Trezevant High School.

Senate Joint Resolution No. 340 by Senator Kyle.

Memorials, Academic Achievement -- Karina Chavez, Salutatorian, Craigmont High School.

Senate Joint Resolution No. 341 by Senator Kyle.

Memorials, Academic Achievement -- Trenton Devon Ellis, Valedictorian, Craigmont High School.

Senate Joint Resolution No. 342 by Senator Kyle.

Memorials, Academic Achievement -- Eliza Roberts, Salutatorian, Ridgeway High School.

Senate Joint Resolution No. 343 by Senator Kyle.

Memorials, Academic Achievement -- Melanie Rose Egerman, Valedictorian, Ridgeway High School.

MOTION

Senator Norris moved, pursuant to Rule 21, **House Joint Resolutions Nos. 370, 373 through 386 and 388 through 393; Senate Joint Resolutions Nos. 327 and 328; and Senate Resolutions Nos. 45 and 46** lie over and be referred to the appropriate committees or held on the Clerk's desk, which motion prevailed.

RESOLUTIONS LYING OVER

The Speaker announced that the following resolutions passed second consideration and were referred to the appropriate committees or held on the desk, pursuant to Rule 21:

House Joint Resolution No. 370 -- Naming and Designating -- "Peace Officers Memorial Day", May 11, 2011.

The Speaker announced that he had referred House Joint Resolution No. 370 to the Committee on Judiciary.

House Joint Resolution No. 373 -- Memorials, Recognition -- Messick High School, 103rd anniversary.

The Speaker announced that he had referred House Joint Resolution No. 373 to the Committee on Calendar.

House Joint Resolution No. 374 -- Memorials, Personal Achievement -- Parker Campbell Hilleary, Eagle Scout.

The Speaker announced that he had referred House Joint Resolution No. 374 to the Committee on Calendar.

House Joint Resolution No. 375 -- Memorials, Recognition -- Henry Martin Cathey, World War II veteran.

The Speaker announced that he had referred House Joint Resolution No. 375 to the Committee on Calendar.

House Joint Resolution No. 376 -- Memorials, Recognition -- Community Mediation Services, Inc., 25th anniversary.

The Speaker announced that he had referred House Joint Resolution No. 376 to the Committee on Calendar.

House Joint Resolution No. 377 -- Memorials, Professional Achievement -- Treavor Thaxton, Robertson County Chamber of Commerce Outstanding Senior Award.

The Speaker announced that he had referred House Joint Resolution No. 377 to the Committee on Calendar.

House Joint Resolution No. 378 -- Memorials, Professional Achievement -- Shawna McAdams, Robertson County Chamber of Commerce Outstanding Senior Award.

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The Speaker announced that he had referred House Joint Resolution No. 378 to the Committee on Calendar.

House Joint Resolution No. 379 -- Memorials, Professional Achievement -- Jonathan Bryant, Robertson County Chamber of Commerce Outstanding Senior Award.

The Speaker announced that he had referred House Joint Resolution No. 379 to the Committee on Calendar.

House Joint Resolution No. 380 -- Memorials, Professional Achievement -- Caroline Mullen, Robertson County Chamber of Commerce Outstanding Senior Award.

The Speaker announced that he had referred House Joint Resolution No. 380 to the Committee on Calendar.

House Joint Resolution No. 381 -- Memorials, Professional Achievement -- Savanna Darnall, Robertson County Chamber of Commerce Outstanding Senior Award.

The Speaker announced that he had referred House Joint Resolution No. 381 to the Committee on Calendar.

House Joint Resolution No. 382 -- Memorials, Professional Achievement -- Michael Yates, Robertson County Chamber of Commerce Outstanding Senior Award.

The Speaker announced that he had referred House Joint Resolution No. 382 to the Committee on Calendar.

House Joint Resolution No. 383 -- Memorials, Interns -- Jeremy Williams.

The Speaker announced that he had referred House Joint Resolution No. 383 to the Committee on Calendar.

House Joint Resolution No. 384 -- Memorials, Recognition -- Children of the Confederacy, 57th Annual Convention.

The Speaker announced that he had referred House Joint Resolution No. 384 to the Committee on Calendar.

House Joint Resolution No. 385 -- Memorials, Recognition -- Principal Jamie Wheeler, Jacksboro Middle School, Value-Added Achievement Award.

The Speaker announced that he had referred House Joint Resolution No. 385 to the Committee on Calendar.

House Joint Resolution No. 386 -- Memorials, Personal Occasion -- Montieze Fogle Potts, 100th birthday.

The Speaker announced that he had referred House Joint Resolution No. 386 to the Committee on Calendar.

House Joint Resolution No. 388 -- Memorials, Death -- William Crutchfield, Jr.

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The Speaker announced that he had referred House Joint Resolution No. 388 to the Committee on Calendar.

House Joint Resolution No. 389 -- Memorials, Recognition -- Flag Day's history.

The Speaker announced that he had referred House Joint Resolution No. 389 to the Committee on Calendar.

House Joint Resolution No. 390 -- Memorials, Academic Achievement -- Inaugural class of the Master of Science in Clinical Nurse Leader program at the University of Tennessee Health Science Center.

The Speaker announced that he had referred House Joint Resolution No. 390 to the Committee on Calendar.

House Joint Resolution No. 391 -- Memorials, Recognition -- Myra Stiles.

The Speaker announced that he had referred House Joint Resolution No. 391 to the Committee on Calendar.

House Joint Resolution No. 392 -- Memorials, Public Service -- James H. Johnson, Jr.

The Speaker announced that he had referred House Joint Resolution No. 392 to the Committee on Calendar.

House Joint Resolution No. 393 -- Memorials, Recognition -- Observes National Day of Prayer, May 5, 2011, and commemorates one-year anniversary of Tennessee Floods of 2010.

The Speaker announced that he had referred House Joint Resolution No. 393 to the Committee on Calendar.

Senate Joint Resolution No. 327 -- General Assembly, Statement of Intent or Position -- Urges President Barack Obama to select Booker T. Washington High School of Memphis as the 2011 Race to the Top High School Commencement Challenge winner.

The Speaker announced that he had referred Senate Joint Resolution No. 327 to the Committee on Education.

Senate Joint Resolution No. 328 -- General Assembly, Confirmation of Appointment -- Franklin J. "Jim" Bledsoe, Tennessee Wildlife Resources Commission.

The Speaker announced that he had referred Senate Joint Resolution No. 328 to the Committee on Environment, Conservation and Tourism.

Senate Resolution No. 45 -- General Assembly, Statement of Intent or Position -- Expresses sense of the Senate relative to redistricting.

The Speaker announced that he had referred Senate Resolution No. 45 to the Committee on Judiciary.

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Senate Resolution No. 46 -- Memorials, Interns -- Caleb Mackenzie Tindell.

The Speaker announced that he had referred Senate Resolution No. 46 to the Committee on Calendar.

MOTION

Senator Beavers moved that Rule 83(8) be suspended for the purpose of placing **Senate Joint Resolution No. 315** on the calendar for the Committee on Judiciary for Tuesday, May 10, 2011, which motion prevailed.

MOTION

Senator Marrero moved that Rules 32, 33 and 37 be suspended for the introduction and immediate consideration of **Senate Joint Resolution No. 352**, out of order, which motion prevailed.

INTRODUCTION OF RESOLUTION

Senate Joint Resolution No. 352 by Senator Marrero.
Memorials, Professional Achievement -- Andre K. Fowlkes, Director, Tennessee Regulatory Authority.

On motion of Senator Marrero, the rules were suspended for the immediate consideration of the resolution.

On motion, **Senate Joint Resolution No. 352** was adopted.

A motion to reconsider was tabled.

NOTICE

**THE REPORT OF THE AD HOC COMMITTEE ON DISTRICT 15
ELECTION CONTEST**

The Report was filed and received by the Clerk.

**THE REPORT OF THE COMMITTEE ON RULES OF THE
ONE HUNDRED SEVENTH GENERAL ASSEMBLY**

Mr. Speaker, the Committee on Rules having met, reports to the Senate the following committee report as the recommendation for amendment to the Temporary Rules of Order for the Senate for the One Hundred Seventh General Assembly:

I. Senate Rules 37 and 38 be amended as stricken and underlined:

37. **SETTING THE CALENDAR.** Any bills, having been considered and reported out of the Committee to which referred, shall be referred to the Committee on Calendar, and no bill of a general nature nor report shall be considered for third and final passage until a written calendar,

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from the Committee on Calendar, giving notice of such bill or report, has been posted in designated places, transmitted electronically to the members and posted on the General Assembly Web site ~~delivered to each Senator's legislative office~~ before two (2) o'clock p.m. at least two (2) calendar days prior to such consideration.

The Committee on Calendar shall schedule on the calendar for final consideration such number of general bills as it deems appropriate.

Should the Senate not complete any day's calendar, the bills remaining unconsidered shall go to the top of the calendar on the next day that general bills are considered.

38. **CONSENT CALENDAR.** Any bills which are not controversial in nature shall be placed on a Consent Calendar by the Committee on Calendar. The Consent Calendar shall be printed and posted in designated places, transmitted electronically and delivered to the members and posted on the General Assembly Web site ~~each Senator's legislative office~~ before two (2) o'clock p.m. at least two (2) calendar days prior to such consideration.

Any member may object to a bill placed on the Consent Calendar and if objection is raised, the bill or bills so objected to shall be placed at the heel of the next succeeding calendar for final consideration; except the last calendar day of the annual session in which event the bill shall be placed last on the current day's calendar for final consideration.

Legislative Intent: *Allows for electronic transmission of regular calendars, floor calendars and amendments rather than copies delivered to members' offices.*

II. **Senate Rule 31 be amended as stricken and underlined:**

31. **FISCAL MEASURES.** Any bill or resolution having a fiscal effect of \$100,000 or more upon receipts or expenditures of the state or local governments shall be referred to the Committee on Finance, Ways and Means after consideration by the appropriate standing committee.

No bill or resolution having such a fiscal effect shall be put upon final passage until the same has been considered by the Committee on Finance, Ways and Means.

A bill or resolution which is amended by the Senate or House of Representatives, so as to increase the fiscal effect of the bill or resolution by \$100,000 or more, shall be referred to the Committee on Finance, Ways and Means after all filed amendments have been considered by the Senate. Provided, however, this paragraph shall not apply to the General Appropriations Bill.

A bill or resolution which is recommended by a standing committee to be amended in such manner so as to remove its fiscal effect below \$100,000 may be referred directly to the Committee on Calendar. In the event the amendment is not approved by the Senate, paragraph 2 shall apply.

Any bill or resolution that has a fiscal effect of \$100,000 or more upon recurring costs in any subsequent year due to a delayed effective date or implementation schedule or incremental implementation, shall be placed behind the General Appropriations Bill.

Legislative Intent: *This amendment will address the practice of deferring the fiscal impact of a measure until a time beyond the current and/or next fiscal year.*

III. **Senate Rule 84 be amended as stricken and underlined:**

(4) **Energy and Environment**, ~~Conservation, Tourism:~~

1. Energy.
2. Forestry in general.
3. Natural resources, generally.
4. Conservation.
5. Game and Fish.
6. Mines and Minerals.
7. Matters relating to pollution of air, water and land.
8. Parks and recreations.
9. State parks and recreational districts.
10. Mineral resources of public lands.
11. Public and geological surveys.
12. Accretion, Alluvion and dereliction of public and private lands.
13. Watershed districts.
14. Soil conservation.
15. Soil conservation districts.
16. Flood and drainage projects.
17. Construction, improvement and maintenance of waterways, lakes and streams.
18. Registering and licensing of vessels and small boats.
19. Tourism.
20. Military Parks and battlefields.
21. Environment.

(6) ~~General Welfare~~, **Health and Human Resources Welfare:**

1. Institutions, health and welfare, generally.
2. Public or private hospitals.
3. Health offices and their administration.
4. Institutions and services for the mentally retarded.
5. Mental health institutions and facilities.
6. Geriatric hospitals.
7. Nursing homes.
8. Vocational rehabilitation including vocation rehabilitation homes.
9. Alcoholic rehabilitation.
10. Department of Health.
11. Tuberculosis sanitoriums.
12. Nurses training programs.
13. Public welfare.
14. Old age assistance.
15. Private and local institutions of public welfare.
16. Research training and rehabilitation in the field of public welfare.

(10) **Transportation and Safety:**

1. Transportation, highways and public works in general.
2. Highways, roads and bridges.
3. Railroads.

4. Air, bus and vehicular transportation.
5. Rules and regulations for highway, railroad and air use.
6. Common carriers, except by water.
7. Pipelines.
8. Motor vehicle regulations.
9. Public works.
10. Facilities in connection with waterways, lakes and streams.
11. Navigations and laws relating thereto.
12. Regulation of common carriers.
13. Department of Safety.

Legislative Intent: *Revises the names of three standing committees to more accurately reflect the workload of the committees: Energy and Environment; Health and Welfare; and Transportation and Safety.*

IV. Amend Rule 85 by deleting the rule in its entirety and by substituting instead the following:

85. A CODE OF ETHICS FOR THE TENNESSEE STATE SENATE.

Article I
Statement of Purpose

It is the purpose of this Code of Ethics to set reasonable and practicable guidelines and standards governing the conduct of Senators in order to maintain and enhance the integrity and reputation of the Senate and to promote and protect the public interest.

Article II
Conflicts of Interest

SECTION 1. A Senator has a personal interest that conflicts with the proper discharge of the Senator's duties if:

(a) The Senator has reason to believe or expect that he or she will derive a direct monetary gain or any other advantage or suffer a direct monetary loss by reason of his or her official activity;

(b) The Senator is employed by a business entity that employs a lobbyist who seeks to influence legislative action regarding a matter before the Senate or any committee thereof; or

(c) The immediate family, as defined in T.C.A. Section 3-6-301(12), of the Senator is a lobbyist employed to influence legislative action regarding a matter before the Senate or any committee thereof.

SECTION 2.

(a) No Senator shall vote on or influence any legislation before a committee or on the floor of either House, if the Senator has a personal interest that conflicts with the proper discharge of his or her duties (as defined by Section 1 above), unless the Senator declares,

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either orally or in writing filed with the Chief Clerk, "It may be considered that I have a degree of personal interest in the subject matter of this legislation, but I declare that my argument and my ultimate vote answer only to my conscience and my obligation to my constituents and the citizens of the State of Tennessee."

(b) No Senator shall violate the provisions of T.C.A. Sections 2-10-123, 3-6-304, 3-6-305, or 39-16-102, nor shall any Senator otherwise misuse the Senator's office for personal financial gain.

(c) No Senator shall solicit or accept or agree to accept any gift under circumstances wherein it could be reasonably inferred that such gift would influence the Senator in the discharge of the Senator's duties or that the gift was a reward for prior performance of such duties; provided, however, in and of itself, that mere receipt of a gift authorized by T.C.A. Sections 3-6-304 or 3-6-305, does not ordinarily give rise to any such inference.

(d) No Senator shall, by him or herself or through others, use or attempt to use improper means to influence a department, agency, board or commission of state government.

(e) No Senator shall receive compensation for an appearance before a department, agency, board or commission of state government as an expert witness.

(f) A Senator may use his or her official title or stationery in connection with a matter or proceeding before a department, agency, board, or commission of state government, but only if done without compensation and in connection with the Senator's official duties as a legislator.

(g) No Senator shall accept employment, or engage in any business, or be involved in any activity which the Senator might reasonably expect would require the Senator to disclose confidential information gained by virtue of holding the office of Senator.

(h) No Senator shall enter into any contract with any department, agency, board or commission of state government, exclusive of any county, city, metropolitan government, or other political subdivision of the state, involving services or property. However, a Senator who has entered into such a contract prior to election as a Senator may fulfill a then existing obligation under said contract.

(i) No Senator shall use the Senator's office either to grant or to obtain special privilege, exemption, or preferential treatment to or for him or herself.

(j) No Senator shall use confidential information obtained through the Senator's office or position for the benefit of himself or herself, nor shall any Senator disclose such information except in good faith and to perform a legislative duty.

(k) No Senator shall knowingly organize or participate in any meeting held in violation of the provisions of T.C.A. Section 3-1-118.

(l) No Senator shall, without good cause, violate applicable attendance requirements set forth in TCA, Section 3-6-113.

(m) No Senator shall:

(1) Initiate or file a complaint or provide information, to the Committee or the Ethics Commission, which results in an investigation, knowing that material statements in the complaint or the information are false;

(2) Initiate or file a complaint, with the Committee or the Ethics Commission, in reckless disregard of the truth or falsity of the statements contained in the complaint; or

(3) Initiate or file one or more unsubstantiated complaints, with the Committee or the Ethics Commission, which constitute abuse of process.

(n) It is unethical for any Senator:

(1) To breach a trust of the office of State Senator, whether specifically set out in this code as a breach of trust in office or not, or of a Senate employee; or

(2) To fail to report to the Ethics Committee any violation of subpart (1) of this subsection, unless so reporting would constitute an obstruction of justice under the laws of Tennessee; or

(3) By loyalty pledge, unit rule, or other formal agreement, to restrict himself or herself, or any other member of the Senate, from voting on any matters before the Senate or any of its committees except in accordance with the member's personal convictions and with the member's Oath of Office.

(o) Upon indictment, an indicted Senator, who serves as chairman, vice-chairman or secretary of a committee or subcommittee or of a caucus, or who holds any other position of appointive or elective leadership, may request a hearing by the Committee on Ethics to determine whether such Senator should be suspended from his or her position as long as the indictment is being actively pursued, as determined by the Committee on Ethics. If such Senator fails to make such request by the end of the tenth calendar day after the indictment, then the suspension will take effect and will continue as long as the indictment is being actively pursued, as determined by the Committee on Ethics.

The Committee shall in making its determination consider:

(1) The nature of the offense.

(2) Whether the offense involves the duties of the office of Senator or moral turpitude.

(3) Any other action deemed relevant by the Committee.

Any Senator dissatisfied with the action of the Committee may appeal to the full Senate.

SECTION 3.

(a) Each Senator, the Senator's spouse and the Senator's children shall timely file with the Tennessee Ethics Commission all applicable disclosure statements and amendments required by the provisions of T.C.A. Sections 2-10-127, 2-10-128, 2-10-129, and Title 8, Chapter 50, Part 5.

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(b) On or before April 15 of each year, each Senator shall file with the Chief Clerk of the Senate a supplemental disclosure statement containing the following information:

(1) Every office or directorship held by the reporting Senator or the Senator's spouse in any corporation, firm or enterprise.

(2) A listing of all persons, firms, associations, corporations, or organizations for whom the reporting Senator or the Senator's spouse have prepared, promoted, or opposed legislation or proposed legislation for current or deferred remuneration.

(3) A listing of the departments, agencies, boards, or commissions of state government before which the reporting Senator or the Senator's spouse [or any partnership or association disclosed by the Senator pursuant to T.C.A. Section 8-50-502(2)], practiced during the preceding calendar year and received fees in excess of one thousand five hundred dollars (\$1,500) for such practice.

(4) A listing of the departments, agencies, boards, or commissions of state government with which the reporting Senator or the Senator's spouse [or any corporation, firm or enterprise disclosed by the Senator pursuant to T.C.A. Section 8-50-502(2)], transacted business during the preceding calendar year and received fees in excess of one thousand five hundred dollars (\$1,500) for such practice.

(5) Such additional information as the reporting Senator might desire.

Statements filed with the Clerk pursuant to this subsection shall constitute public records and shall be maintained in the Clerk's office for as long as the Senators to whom they apply remain as members of the Senate. The provisions of this subsection do not apply if the information required by this subsection is timely submitted to the Tennessee Ethics Commission on, or as an attachment to, the consolidated disclosure form required by T.C.A. Section 2-10-128(c).

Article III Campaign Finance

Senators shall be careful and diligent in complying with the requirements of the general law of the state regulating campaign financial disclosures.

Article IV Senate Committee on Ethics

SECTION 1.

(a) The Senate Committee on Ethics shall be composed of three (3) members of the majority party and three (3) members of the minority party, appointed by the Speaker. The Committee shall have authority to render, upon request of any Senator, advisory opinions as to whether the facts and circumstances of the particular case constitute or will constitute a violation or probable violation of the Code of Ethics for the Senate or of any statute governing senatorial ethics or conduct. The identity of persons involved will be kept in confidence.

(b)(1) The Committee is authorized to receive and consider complaints alleging violations of the Code of Ethics or statutes governing senatorial ethics or conduct.

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(2) The Committee may initiate an investigation upon a complaint being filed by one or more of the Committee's membership.

(3) Within thirty (30) days of receiving or initiating a complaint, by majority vote the Committee may refer the complaint to the Tennessee Ethics Commission, for investigation in accordance with T.C.A. Sections 3-6-201 through 3-6-203. The findings of the Ethics Commission should be written and should be expeditiously delivered to the Committee.

(c) The Committee shall be clothed with all powers granted to investigating committees generally by T.C.A. Title 3, Chapter 3.

SECTION 2. When receiving and considering any complaint that is not referred to the Tennessee Ethics Commission pursuant to Section 1(b), the Committee shall observe the same procedures and requirements as set forth in T.C.A. Sections 3-6-201 through 3-6-203, for complaints received and considered by the Ethics Commission.

SECTION 3. The Committee shall dismiss the complaint if it finds that no violation has occurred or, if it determines that a violation has been committed, shall make its findings and recommend to the Senate appropriate disciplinary action as allowed under the Constitution and law against the Senator found to have committed the violation. If it finds that the circumstances warrant, the Committee shall turn its evidence and findings over to the appropriate district attorney general for such civil or criminal action as he or she may determine is warranted.

SECTION 4. A decision of the Committee pertaining to the conduct of any Senator shall be in writing and signed by a majority of members of the Committee. No member of the Committee shall participate in any matter in which he or she is involved.

Legislative Intent: *Article I - the statement of purpose is amended to reflect the language used in the Ethics Act; Article II, Section 1 – the definition of a personal interest is expanded to include employment by a business entity that employs a lobbyist who seeks to influence legislative action and having a spouse, sibling or child who is a lobbyist employed to influence legislative action. This language is the same as T.C.A. 2-10-127(d)(1); Article II, Section 2 – prohibited actions are streamlined to eliminate redundancy and applicable statutes are referenced. Additional provisions include: a requirement that members attend ethics seminars and a prohibition against initiating or filing complaints with the Senate Committee on Ethics that are false or constitute abuse of process; Article II, Section 3 – disclosure filing requirements are simplified. Members are required to file all disclosures required under Title 2 and Title 8. In addition members are required to file a supplemental disclosure statement with the Chief Clerk of the Senate on or before April 15 instead of June 1. Members are not required to file a supplemental disclosure with the Clerk if the information required is filed with the Tennessee Ethics Commission with the disclosure required by T.C.A. 2-10-128(c); Article IV, Section 1 – the Senate Committee on Ethics is authorized to refer complaints to the Tennessee Ethics Commission.*

V. Senate Rule 83(2) be amended as stricken and underlined:

(2) **OPEN MEETINGS.** Committee meetings shall be open to the public and the meetings shall be broadcast by electronic means, except that when a committee is considering a matter involving the security of the state or nation or is investigating a proposed

impeachment, upon vote by three-fourths (3/4) of the members present, and voting, a meeting may be declared closed to the public.

Legislative Intent: *Adds language to require floor sessions and committee meetings to be broadcast electronically.*

VI. **Senate Rule 83(8) be amended as stricken and underlined:**

(8) **REGULAR COMMITTEE CALENDAR.** The chairman, in consultation with the vice-chairman and secretary of the standing committees, shall set the calendars for hearings before all standing committees taking into consideration the necessity and importance of the legislation before the Committee. The standing committee shall publish the committee calendar (bills to be heard) at each regular meeting of a standing committee at least six (6) days before said committee meeting, and the sponsor shall be notified.

The foregoing provision shall not apply to a bill or resolution referred by a standing committee to the Committee on Finance, Ways and Means under Rule 31 however, after favorable consideration of a bill by the Committee and the Committee deciding that Rule 31 should apply, the sponsor shall be notified of the referral of the bill to the Committee on Finance, Ways and Means, and the Committee on Finance, Ways and Means shall consider the bill at its next hearing, provided that proper notice has been given. Prior to any scheduled standing committee meeting, the sponsor of any bill or resolution scheduled for a hearing before said standing committee may request the chairman of the standing committee to set another hearing date and the bill or resolution shall be scheduled for hearing; however, the sponsor of any bill or resolution shall only have the right to make such a request one (1) time on any particular bill or resolution and said bill or resolution shall only be rescheduled for hearing one time. Should the sponsor of a bill or resolution fail to appear before the standing committee when the bill or resolution is scheduled for a hearing, then the bill or resolution shall be returned to the desk of the Clerk of the Senate for the purpose of being withdrawn from the Senate. Should the sponsor have a good and sufficient reason for not appearing before the standing committee at the appointed hearing date, he or she may request the chairman of the standing committee to set another hearing date, and, if in the opinion of the chairman, the excuse of the sponsor of the legislation is considered worthy or justified, the bill or resolution shall be rescheduled for hearing. After a bill or resolution has been sent back to the Clerk's desk for withdrawal, the sponsor of the legislation may appeal to the Speaker to re-refer the proposed legislation, and the Speaker shall have the discretion as to what action should be taken.

The chairman, vice-chairman and secretary of the standing committee shall only have hearings on a reasonable number of bills or resolutions at each committee meeting; however, all bills before a standing committee shall be acted upon.

No bill shall be scheduled for consideration by a standing committee until after T.C.A. 3-9-103 is complied with.

Legislative Intent: *Require the Council on Pensions and Insurance review state pension and state insurance legislation prior to a hearing in a standing committee.*

/s/ Mark Norris
Senator Mark Norris
Chairman, Committee on Rules
March 28, 2011

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Senator Norris moved that the Report of the Committee on Rules be adopted and the Temporary Rules of Order of the Senate thereupon be amended for the One Hundred Seventh General Assembly, which motion prevailed by the following vote:

Ayes	32
Noes	0

Senators voting aye were: Barnes, Beavers, Bell, Berke, Burks, Campfield, Crowe, Faulk, Ford, Gresham, Harper, Haynes, Henry, Herron, Johnson, Kelsey, Ketron, Kyle, Marrero, McNally, Norris, Overbey, Roberts, Southerland, Stewart, Summerville, Tate, Tracy, Watson, Woodson, Yager and Mr. Speaker Ramsey--32.

RECALL OF BILL

On motion of Senator McNally, **Senate Bills Nos. 1776 and 1851** were recalled from the Committee on Finance, Ways and Means.

REFERRAL OF BILL

Senator McNally moved that Senate Bills Nos. 1776 and 1851 be referred to the Committee on Calendar, which motion prevailed.

RECALL OF BILL

On motion of Senator Faulk, **Senate Bill No. 1850** was recalled from the Committee on Calendar.

REFERRAL OF BILL

Senator Faulk moved that Senate Bill No. 1850 be referred to the Committee on Finance, Ways and Means, which motion prevailed.

MOTION

Senator Faulk moved that Rules 32, 33 and 37 be suspended for the introduction and immediate consideration of **Senate Resolution No. 47**, out of order, which motion prevailed.

INTRODUCTION OF RESOLUTION

Senate Resolution No. 47 by Senator Faulk.
Memorials, Interns -- LaKesia Morrison.

On motion of Senator Faulk, the rules were suspended for the immediate consideration of the resolution.

On motion, **Senate Resolution No. 47** was adopted.

A motion to reconsider was tabled.

CONSENT CALENDAR NO. 1

Senate Joint Resolution No. 309 -- Memorials, Academic Achievement -- Caleb Wagler, Salutatorian, Mt. Juliet Christian Academy.

Senate Joint Resolution No. 310 -- Memorials, Academic Achievement -- Ashley Reed, Valedictorian, Mt. Juliet Christian Academy.

Senate Joint Resolution No. 311 -- Memorials, Interns -- Kara Elise Gallagher.

Senate Joint Resolution No. 312 -- Memorials, Interns -- Timothy Sigler.

Senate Joint Resolution No. 313 -- Memorials, Academic Achievement -- Courtney Cato, Salutatorian, Heritage High School.

House Joint Resolution No. 352 -- Memorials, Academic Achievement -- Kaitlyn Taylor, Top 6 Student, Cherokee High School.

House Joint Resolution No. 353 -- Memorials, Academic Achievement -- Megan Woodby, Top 6 Student, Cherokee High School.

House Joint Resolution No. 354 -- Memorials, Academic Achievement -- Shelby Mastin, Top 6 Student, Cherokee High School.

House Joint Resolution No. 355 -- Memorials, Academic Achievement -- Jacqueline Martin, Top 6 Student, Cherokee High School.

House Joint Resolution No. 356 -- Memorials, Academic Achievement -- Jenna Trent, Top 6 Student, Cherokee High School.

House Joint Resolution No. 357 -- Memorials, Academic Achievement -- Andrew Lee Long, Top 6 Student, Cherokee High School.

House Joint Resolution No. 358 -- Memorials, Recognition -- Debora Burda Nelson.

House Joint Resolution No. 362 -- Memorials, Public Service -- Kaurri C. "K.C." Williams.

Senator Faulk moved that all Senate Joint Resolutions be adopted; and all House Joint Resolutions be concurred in, which motion prevailed by the following vote:

Ayes	33
Noes	0

Senators voting aye were: Barnes, Beavers, Bell, Berke, Burks, Campfield, Crowe, Faulk, Finney, Ford, Gresham, Harper, Haynes, Henry, Herron, Johnson, Kelsey, Ketron, Kyle, Marrero, McNally, Norris, Overbey, Roberts, Southerland, Stewart, Summerville, Tate, Tracy, Watson, Woodson, Yager and Mr. Speaker Ramsey--33.

A motion to reconsider was tabled.

CONSENT CALENDAR NO. 2

Senate Bill No. 21 -- Highway Signs -- As introduced, designates "Benjamin C. 'Pat' Hartman, Jr., Memorial Bridge" on State Route 386 in Sumner County.

On motion, Senate Bill No. 21 was made to conform with **House Bill No. 10**.

On motion, House Bill No. 10, on same subject, was substituted for Senate Bill No. 21.

Senate Bill No. 35 -- Highway Signs -- As introduced, names segment of State Route 249 in Cheatham County in honor of the late Corporal Kristopher Daniel Greer, USMC.

On motion, Senate Bill No. 35 was made to conform with **House Bill No. 55**.

On motion, House Bill No. 55, on same subject, was substituted for Senate Bill No. 35.

Senate Bill No. 391 -- Courts -- As introduced, provides that any revenue generated by county litigation tax for victim-offender mediation shall be used for the purpose of victim-offender mediation or other community mediation matters. Amends TCA Title 16, Chapter 20, Part 1.

On motion, Senate Bill No. 391 was made to conform with **House Bill No. 533**.

On motion, House Bill No. 533, on same subject, was substituted for Senate Bill No. 391.

Senate Bill No. 553 -- Public Records -- As introduced, allows Anderson County register of deeds to redact social security numbers on recorded documents maintained on computers; also allows register of deeds to redact social security numbers on recorded documents at request of certain persons if practicable. Amends TCA Section 10-7-515.

On motion, Senate Bill No. 553 was made to conform with **House Bill No. 775**.

On motion, House Bill No. 775, on same subject, was substituted for Senate Bill No. 553.

Senate Bill No. 779 -- Education -- As introduced, requires office of research and education accountability to compile activities and recommendations of statewide education reform initiatives and report to governor and Education Committees as requested. Amends TCA Title 49, Chapter 1, Part 1.

On motion, Senate Bill No. 779 was made to conform with **House Bill No. 963**.

On motion, House Bill No. 963, on same subject, was substituted for Senate Bill No. 779.

Senate Bill No. 813 -- Highway Signs -- As introduced, names "SPC Michael E. Harr Memorial Bridge" on State Route 126 in Sullivan County.

Senate Bill No. 814 -- Highway Signs -- As introduced, names "Orville Depew 'Dick' Kitzmiller and Riley Lee Milhorn Memorial Bridge" on State Route 75 in Sullivan County.

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Senate Bill No. 823 -- Teachers, Principals and School Personnel -- As introduced, removes requirement that written notice of termination of teacher contain a statement that such notice was authorized by a majority vote of the local board of education with the name of the teacher receiving such note being recorded in the minutes of the board. Amends TCA Section 49-5-409.

On motion, Senate Bill No. 823 was made to conform with **House Bill No. 731**.

On motion, House Bill No. 731, on same subject, was substituted for Senate Bill No. 823.

Senate Bill No. 849 -- Jails, Local Lock-ups -- As introduced, authorizes \$4.00 to be deducted from the wages of prisoners in a county workhouse in certain circumstances to satisfy judgments against the prisoner to make restitution to the victim. Amends TCA Section 41-2-129(c).

On motion, Senate Bill No. 849 was made to conform with **House Bill No. 974**.

On motion, House Bill No. 974, on same subject, was substituted for Senate Bill No. 849.

Senate Bill No. 858 -- Criminal Procedure -- As introduced, deletes outdated language from requirements concerning the sex offender registry. Amends TCA Section 38-6-116.

On motion, Senate Bill No. 858 was made to conform with **House Bill No. 981**.

On motion, House Bill No. 981, on same subject, was substituted for Senate Bill No. 858.

Senate Bill No. 981 -- Tobacco, Tobacco Products -- As introduced, requires licensed distributor reports filed with the Department of Revenue to be admitted into evidence as non-hearsay documents in all judicial and administrative proceedings. Amends TCA Title 67, Chapter 4, Part 26.

On motion, Senate Bill No. 981 was made to conform with **House Bill No. 1055**.

On motion, House Bill No. 1055, on same subject, was substituted for Senate Bill No. 981.

Senate Bill No. 1016 -- Sexual Offenders -- As introduced, requires registered sex offenders to report to registering law enforcement agencies prior to traveling out of the United States. Amends TCA Title 40, Chapter 39, Part 2.

On motion, Senate Bill No. 1016 was made to conform with **House Bill No. 1169**.

On motion, House Bill No. 1169, on same subject, was substituted for Senate Bill No. 1016.

Senate Bill No. 1022 -- Probation and Parole -- As introduced, transfers supervision of the out-of-state parole and probation supervision registry from the TBI to the board of probation and parole. Amends TCA Section 38-6-116 and Title 40, Chapter 28, Part 4.

On motion, Senate Bill No. 1022 was made to conform with **House Bill No. 1194**.

On motion, House Bill No. 1194, on same subject, was substituted for Senate Bill No. 1022.

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Senate Bill No. 1051 -- Sexual Offenders -- As introduced, requires all sexual offenders who are incarcerated, but who have not yet registered as a sexual offender or violent sexual offender, to be registered in the institution in which they are incarcerated by no later than August 1, 2011. Amends TCA Title 40, Chapter 39, Part 2.

On motion, Senate Bill No. 1051 was made to conform with **House Bill No. 1177**.

On motion, House Bill No. 1177, on same subject, was substituted for Senate Bill No. 1051.

Senate Bill No. 1086 -- Criminal Procedure -- As introduced, increases the amount of time a petitioner in a post-conviction relief action has to appeal the ruling of the trial court to the court of criminal appeals on a motion to reopen the petition from 10 to 30 days. Amends TCA Section 40-30-117(c).

Senate Bill No. 1535 -- Juvenile Offenders -- As introduced, specifies proper venue for proceedings in which a child who is in the custody of the Department of Children's Services is alleged to be unruly. Amends TCA Section 37-1-111.

On motion, Senate Bill No. 1535 was made to conform with **House Bill No. 2006**.

On motion, House Bill No. 2006, on same subject, was substituted for Senate Bill No. 1535.

Senate Bill No. 1602 -- School Districts, Special -- As introduced, permits a city and a special school district with coterminous boundaries to specify by contract that city funding for the district shall be used half for district operations and half for issuance of bonds and, upon agreement of the city legislative body and the school board at the time that the bonds are issued, proceeds of any such bond issue shall be used for maintenance and construction at schools existing at the time the bonds are issued. Amends TCA Title 49, Chapter 3, Part 3.

Senate Bill No. 1721 -- General Assembly -- As introduced, changes time within which Fiscal Review Committee must submit a fiscal note on legislation from within seven days of introduction or request to within 10 days of introduction or request. Amends TCA Title 3 and Title 8.

Senate Bill No. 1990 -- Public Employees -- As introduced, adds firefighters and certain emergency services personnel to statute permitting law enforcement officers and certain TBI employees to request that an arrestee's blood be tested for certain infectious diseases. Amends TCA Title 41 and Title 68.

On motion, Senate Bill No. 1990 was made to conform with **House Bill No. 1279**.

On motion, House Bill No. 1279, on same subject, was substituted for Senate Bill No. 1990.

Senate Bill No. 2096 -- Appropriations -- As introduced, makes appropriations for fiscal year beginning July 1, 2010.

Senator Norris declared Rule 13 on **Senate Bill No. 2096**.

On motion, Senate Bill No. 2096 was made to conform with **House Bill No. 2133**.

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On motion, House Bill No. 2133, on same subject, was substituted for Senate Bill No. 2096.

Senate Joint Resolution No. 169 -- Naming and Designating -- "Drive to End Hunger Month", September 2011.

Senate Joint Resolution No. 213 -- Naming and Designating -- Designates Pink Palace Family of Museums in Memphis as West Tennessee Museum of Science and Technology.

Senate Joint Resolution No. 214 -- Naming and Designating -- Names Tennessee National Guard Armory in Tullahoma in honor of Command Sergeant Major Howard Boswell.

Senator Faulk moved that all Senate Joint Resolutions be adopted; and all Senate Bills and House Bills be passed on third and final consideration, which motion prevailed by the following vote:

Ayes	33
Noes	0

Senators voting aye were: Barnes, Beavers, Bell, Berke, Burks, Campfield, Crowe, Faulk, Finney, Ford, Gresham, Harper, Haynes, Henry, Herron, Johnson, Kelsey, Ketron, Kyle, Marrero, McNally, Norris, Overbey, Roberts, Southerland, Stewart, Summerville, Tate, Tracy, Watson, Woodson, Yager and Mr. Speaker Ramsey--33.

A motion to reconsider was tabled.

CALENDAR

Senate Bill No. 950 -- Election Laws -- As introduced, authorizes the coordinator of elections to audit the County Election Commission in the administration of election laws; gives the coordinator certain powers in conducting an investigation or an audit. Amends TCA Section 2-11-202.

On motion, Senate Bill No. 950 was made to conform with **House Bill No. 1114**.

On motion, House Bill No. 1114, on same subject, was substituted for Senate Bill No. 950.

On motion of Senator Yager, Amendment No. 1 was withdrawn.

Senator Yager moved to amend as follows:

AMENDMENT NO. 2

AMEND by inserting the language "relative to the administration of the election laws" between the language "review" and the language "pursuant to subdivision" in subdivision (5)(A)(ii), as amended.

AND FURTHER AMEND by inserting the following language at the end of subdivision (5)(A)(ii) as amended:

If a subpoena is issued, such subpoena will be issued to a person for the purpose of testifying before the State Election Commission in an open meeting.

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On motion, Amendment No. 2 was adopted.

Thereupon, **House Bill No. 1114**, as amended, passed its third and final consideration by the following vote:

Ayes	26
Noes	7

Senators voting aye were: Barnes, Beavers, Bell, Burks, Campfield, Crowe, Faulk, Gresham, Harper, Haynes, Henry, Johnson, Kelsey, Ketron, McNally, Norris, Overbey, Roberts, Southerland, Summerville, Tate, Tracy, Watson, Woodson, Yager and Mr. Speaker Ramsey--26.

Senators voting no were: Berke, Finney, Ford, Herron, Kyle, Marrero and Stewart--7.

A motion to reconsider was tabled.

Senator Ketron moved that **Senate Bill No. 1033** be placed on the Calendar for Monday, May 16, 2011, which motion prevailed.

Senate Bill No. 1065 -- Pharmacy, Pharmacists -- As introduced, adds new requirements governing audits of pharmacies by pharmacy benefit managers. Amends TCA Title 56, Chapter 7, Part 31.

Senator Crowe moved to amend as follows:

AMENDMENT NO. 1

AMEND by deleting the language of Section 2 of the bill as introduced and substituting the following language in its place:

SECTION 2. Tennessee Code Annotated, Section 56-7-3103, is amended by adding the following as new subsections to be appropriately designated:

(d) A pharmacy provider may use any prescription that meets the requirements of being a legal prescription as defined by applicable Tennessee law, to validate claims submitted for reimbursement for dispensing of original and refill prescriptions, or changes made to prescriptions.

(e) Auditors are permitted to enter the prescription department when accompanied by or authorized by a member of the pharmacy staff. During the auditing process, auditors shall not disrupt the provision of services to the pharmacy's customers.

(f) A demand for recoupment, repayment or offset against future reimbursement for an overpayment on a claim for dispensing of an original or refill prescription shall not include the dispensing fee, unless the prescription that is the subject of the claim was not actually dispensed, was not valid, was fraudulent, or was outside the provisions of the contract. This subsection shall not apply where a pharmacy is requested, pursuant to a contractual provision or to § 56-7-2362(b) or § 56-32-138(b), to correct an error in a claim submitted in good faith.

(g) Audit information from an audit conducted by one pharmacy benefits manager shall not be shared with or utilized by another pharmacy benefits manager. This subsection shall not apply to an investigative audit that is believed by the pharmacy benefits manager to involve fraud or willful misrepresentation.

(h) Unless otherwise agreed to by contract, no audit finding or demand for recoupment, repayment or offset against future reimbursement shall be made for any claim for dispensing of an original or refill prescription for the reason of information missing from a prescription or for information not placed in a particular location on a prescription when the information or location of the information is not required or specified by federal or state law.

(i) In the event the actual quantity dispensed on a valid prescription for a covered beneficiary exceeds the allowable maximum days supply of the product as defined in the applicable pharmacy benefit provider agreement, the amount allowed to be recouped, repaid or offset against future reimbursement shall be limited to an amount that is calculated based on the quantity of the product dispensed found to be in excess of the allowed days supply quantity and using the cost of the product as reflected on the original claim.

(j) A pharmacy provider shall be allowed to dispense and shall be reimbursed for the full quantity of the smallest available commercially packaged product, including, but not limited to, eye drops, insulin, and topical products, which contains the total amount that is required to be dispensed to meet the days supply ordered by the prescriber, even if the full quantity of the commercially prepared package exceeds the maximum days supply allowed.

(k) The highest daily total dose which may be utilized by the patient pursuant to the prescriber's directions shall be used to make a determination of the days supply. For prescriptions having a titrated dose schedule, the schedule shall be used to determine the days supply.

(l) Subsections (d)-(k) of this section shall not apply to any investigative audit that involves allegations of fraud or willful misrepresentation.

AND FURTHER AMEND by adding the following language at the end of Section 4 of the bill:

"This act shall apply to contracts entered into on or after July 1, 2011".

On motion, Amendment No. 1 was adopted.

Thereupon, **Senate Bill No. 1065**, as amended, passed its third and final consideration by the following vote:

Ayes	32
Noes	0

Senators voting aye were: Barnes, Beavers, Bell, Berke, Burks, Campfield, Crowe, Faulk, Finney, Ford, Gresham, Harper, Haynes, Henry, Herron, Johnson, Kelsey, Ketron, Kyle, Marrero, McNally, Norris, Overbey, Roberts, Southerland, Stewart, Summerville, Tate, Tracy, Watson, Woodson and Mr. Speaker Ramsey--32.

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A motion to reconsider was tabled.

Senator McNally moved that **Senate Bill No. 1935** be placed on the Calendar for Thursday, May 12, 2011, which motion prevailed.

Senator Campfield moved that **Senate Bill No. 49** be placed on the Calendar for Wednesday, May 11, 2011, which motion prevailed.

Senator Campfield moved that **Senate Bill No. 426** be placed on the Calendar for Thursday, May 12, 2011, which motion prevailed.

Senator Beavers moved that **Senate Bill No. 756** be placed on the Calendar for Monday, May 23, 2011, which motion prevailed.

Senate Bill No. 935 -- Election Laws -- As introduced, creates criteria to enable a minor party to be recognized; permits name of candidate for such party to be listed under the appropriate column for a recognized minor party. Amends TCA Title 2, Chapter 1, Part 1; Title 2, Chapter 13, Part 1; Title 2, Chapter 13, Part 2 and Title 2, Chapter 5, Part 2.

On motion, Senate Bill No. 935 was made to conform with **House Bill No. 794**.

On motion, House Bill No. 794, on same subject, was substituted for Senate Bill No. 935.

Senator Kyle moved to amend as follows:

AMENDMENT NO. 1

AMEND by deleting Section 1 of the bill and substituting instead the following:

SECTION 1. Tennessee Code Annotated, Section 2-1-104(a), is amended by inserting between subdivisions (23) and (24), the following new subdivision and renumbering the subdivisions appropriately:

() "Recognized minor party" means any group or association that has successfully petitioned by filing with the coordinator of elections a petition which shall conform to requirements established by the coordinator of elections, but which must at a minimum bear the signatures of ten thousand (10,000) Tennessee residents, who are eligible to vote in this state, with at least two thousand (2,000) signatures from residents in each grand division of the state, and on each page of the petition, state its purpose, state its name, and contain the names of Tennessee residents;

AND FURTHER AMEND by deleting subsection (f) in Section 4 of the bill and substituting instead the following:

(f)(1) To maintain recognition, a minor party must either:

(A) Meet the requirements of a statewide political party as defined in § 2-1-104; or

(B) Receive a number of votes equal to at least one percent (1%) of the total number of votes cast in the regular November election for three (3) consecutive regular November elections.

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(2) A minor party who fails to meet one of the standards set out in subdivision (f)(1) shall cease to be a recognized minor party. Such party may regain recognition only by following the procedures prescribed for formation of recognized minor party. The coordinator of elections shall advise each County Election Commission of a minor party's failure to receive a sufficient number of votes and shall order that said party cease to be recognized.

Senator Norris moved that Amendment No. 1 go to the table, which motion prevailed by the following vote:

Ayes 19
Noes 14

Senators voting aye were: Beavers, Bell, Crowe, Faulk, Gresham, Johnson, Kelsey, Ketron, McNally, Norris, Overbey, Roberts, Southerland, Summerville, Tracy, Watson, Woodson, Yager and Mr. Speaker Ramsey--19.

Senators voting no were: Barnes, Berke, Burks, Campfield, Finney, Ford, Harper, Haynes, Henry, Herron, Kyle, Marrero, Stewart and Tate--14.

On motion of Senator Campfield, Amendment No. 2 was withdrawn.

On motion of Senator Campfield, Amendment No. 3 was withdrawn.

On motion of Senator Norris, Amendment No. 4 was withdrawn.

On motion of Senator Campfield, Amendment No. 5 was withdrawn.

On motion of Senator Campfield, Amendment No. 6 was withdrawn.

Thereupon, **House Bill No. 794** passed its third and final consideration by the following vote:

Ayes 24
Noes 9

Senators voting aye were: Barnes, Beavers, Bell, Burks, Campfield, Crowe, Faulk, Finney, Gresham, Henry, Johnson, Kelsey, Ketron, McNally, Norris, Overbey, Roberts, Southerland, Summerville, Tracy, Watson, Woodson, Yager and Mr. Speaker Ramsey--24.

Senators voting no were: Berke, Ford, Harper, Haynes, Herron, Kyle, Marrero, Stewart and Tate--9.

A motion to reconsider was tabled.

Senate Bill No. 1009 -- Landlord and Tenant -- As introduced, revises "Uniform Landlord and Tenant Act". Amends TCA Title 66, Chapter 28.

Senator Overbey declared Rule 13 on **Senate Bill No. 1009**.

Senator Faulk declared Rule 13 on **Senate Bill No. 1009**.

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Senator Campfield declared Rule 13 on **Senate Bill No. 1009**.

Senator Gresham declared Rule 13 on **Senate Bill No. 1009**.

Senator Bell declared Rule 13 on **Senate Bill No. 1009**.

Mr. Speaker Ramsey declared Rule 13 on **Senate Bill No. 1009**.

Senator Haynes declared Rule 13 on **Senate Bill No. 1009**.

Senator Southerland declared Rule 13 on **Senate Bill No. 1009**.

Senator Herron declared Rule 13 on **Senate Bill No. 1009**.

Senator Harper declared Rule 13 on **Senate Bill No. 1009**.

Senator Tate declared Rule 13 on **Senate Bill No. 1009**.

On motion, Senate Bill No. 1009 was made to conform with **House Bill No. 1760**.

On motion, House Bill No. 1760, on same subject, was substituted for Senate Bill No. 1009.

Senator Johnson moved that Amendment No. 1 be placed behind Amendment No. 2, which motion prevailed.

On motion of Senator Johnson, Amendment No. 2 was withdrawn.

On motion of Senator Johnson, Amendment No. 1 was withdrawn.

Thereupon, **House Bill No. 1760** passed its third and final consideration by the following vote:

Ayes	26
Noes	5
Present, not voting . . .	1

Senators voting aye were: Barnes, Beavers, Bell, Burks, Campfield, Crowe, Faulk, Gresham, Harper, Haynes, Henry, Johnson, Kelsey, Ketron, McNally, Norris, Overbey, Roberts, Southerland, Summerville, Tate, Tracy, Watson, Woodson, Yager and Mr. Speaker Ramsey--26.

Senators voting no were: Berke, Finney, Herron, Marrero and Stewart--5.

Senator present and not voting was: Ford--1.

A motion to reconsider was tabled.

Senate Bill No. 1145 -- Medical Occupations -- As introduced, provides that any market comparisons used by an independent appraiser in determining the fair market value of a medical practice subject to repurchase shall be commercially reasonable. Amends TCA Section 63-6-204.

Senator Overbey declared Rule 13 on **Senate Bill No. 1145**.

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On motion, Senate Bill No. 1145 was made to conform with **House Bill No. 1591**.

On motion, House Bill No. 1591, on same subject, was substituted for Senate Bill No. 1145.

On motion of Senator Crowe, Amendment No. 1 was withdrawn.

On motion of Senator Henry, Amendment No. 2 was withdrawn.

Thereupon, **House Bill No. 1591** passed its third and final consideration by the following vote:

Ayes	31
Noes	0

Senators voting aye were: Barnes, Beavers, Bell, Berke, Burks, Campfield, Crowe, Faulk, Ford, Gresham, Harper, Haynes, Henry, Herron, Johnson, Kelsey, Ketron, Kyle, Marrero, McNally, Overbey, Roberts, Southerland, Stewart, Summerville, Tate, Tracy, Watson, Woodson, Yager and Mr. Speaker Ramsey--31.

A motion to reconsider was tabled.

Senator Campfield moved that **Senate Bill No. 1438** be placed on the Calendar for Thursday, May 12, 2011, which motion prevailed.

Senator Bell moved that **Senate Bill No. 1468** be placed on the Calendar for Wednesday, May 18, 2011, which motion prevailed.

Senator Barnes moved that **Senate Bill No. 1471** be placed on the Calendar for Thursday, May 12, 2011, which motion prevailed.

Senate Bill No. 1878 -- Administrative Procedure (UAPA) -- As introduced, requires new fees or fee increases created by state agencies through the promulgation of a rule to take effect on July 1 following the date of filing of the rule with the secretary of state. Amends TCA Title 4, Chapter 5, Part 2, as amended.

Senator Kyle moved to amend as follows:

AMENDMENT NO. 3

AMEND by deleting Section 1 in its entirety and substituting instead the following:

SECTION 1. Tennessee Code Annotated, Title 4, Chapter 5, Part 2, is amended by adding the following as a new, appropriately designated section:

4-5-2__.

(a) Except as provided in subsection (b), any new fee or fee increase promulgated by state agency rule, in accordance with Title 4, Chapter 5, shall take effect on the July 1st following expiration of the ninety (90) days as provided in § 4-5-207.

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(b) This section shall not apply to rules that implement new fees or fee increases that are promulgated as emergency rules pursuant to § 4-5-208(a) and to subsequent rules that make permanent the provisions of such emergency rules, as amended during the rulemaking process.

On motion, Amendment No. 3 was adopted.

Thereupon, **Senate Bill No. 1878**, as amended, passed its third and final consideration by the following vote:

Ayes	33
Noes	0

Senators voting aye were: Barnes, Beavers, Bell, Berke, Burks, Campfield, Crowe, Faulk, Finney, Ford, Gresham, Harper, Haynes, Henry, Herron, Johnson, Kelsey, Ketron, Kyle, Marrero, McNally, Norris, Overbey, Roberts, Southerland, Stewart, Summerville, Tate, Tracy, Watson, Woodson, Yager and Mr. Speaker Ramsey--33.

A motion to reconsider was tabled.

Senate Bill No. 365 -- Highway Signs -- As introduced, designates the "Spc. Michael Lane Stansbery, Jr." bridge in Wilson County.

On motion, Senate Bill No. 365 was made to conform with **House Bill No. 546**.

On motion, House Bill No. 546, on same subject, was substituted for Senate Bill No. 365.

Senator Tracy moved to amend as follows:

AMENDMENT NO. 1

AMEND by deleting in its entirety Section 1 of the printed bill and by substituting instead the following:

SECTION 1. Notwithstanding any provision of law to the contrary, the bridge at State Route 109 and U.S. Highway 70 / State Route 24 in Wilson County is hereby designated the "Spc. Michael Lane Stansberry, Jr., Memorial Bridge".

On motion, Amendment No. 1 was adopted.

Thereupon, **House Bill No. 546**, as amended, passed its third and final consideration by the following vote:

Ayes	33
Noes	0

Senators voting aye were: Barnes, Beavers, Bell, Berke, Burks, Campfield, Crowe, Faulk, Finney, Ford, Gresham, Harper, Haynes, Henry, Herron, Johnson, Kelsey, Ketron, Kyle, Marrero, McNally, Norris, Overbey, Roberts, Southerland, Stewart, Summerville, Tate, Tracy, Watson, Woodson, Yager and Mr. Speaker Ramsey--33.

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A motion to reconsider was tabled.

Senate Bill No. 488 -- Education -- As introduced, defines cyber-bullying and requires schools to implement policies against cyber-bullying. Amends TCA Title 49, Chapter 6, Part 10.

On motion, Senate Bill No. 488 was made to conform with **House Bill No. 301**.

On motion, House Bill No. 301, on same subject, was substituted for Senate Bill No. 488.

On motion of Senator Gresham, Amendment No. 1 was withdrawn.

Thereupon, **House Bill No. 301** passed its third and final consideration by the following vote:

Ayes	30
Noes	0
Present, not voting . . .	1

Senators voting aye were: Barnes, Beavers, Bell, Berke, Burks, Crowe, Faulk, Finney, Ford, Gresham, Harper, Haynes, Henry, Herron, Johnson, Kelsey, Ketron, Marrero, McNally, Norris, Overbey, Roberts, Southerland, Stewart, Tate, Tracy, Watson, Woodson, Yager and Mr. Speaker Ramsey--30.

Senator present and not voting was: Summerville--1.

A motion to reconsider was tabled.

Senate Bill No. 1003 -- Controlled Substances -- As introduced, revises various provisions regarding law enforcement access to the controlled substances database and the application process for such access. Amends TCA Title 53, Chapter 10, Part 3.

On motion, Senate Bill No. 1003 was made to conform with **House Bill No. 954**.

On motion, House Bill No. 954, on same subject, was substituted for Senate Bill No. 1003.

Senator Beavers moved to amend as follows:

AMENDMENT NO. 1

AMEND by deleting all language after the enacting clause and by substituting instead the following:

SECTION 1. Tennessee Code Annotated, Section 53-10-302, is amended by adding a new, appropriately designated subdivision thereto:

() "Law enforcement personnel" means agents of the Tennessee Bureau of Investigation, agents of a judicial district drug task force, and certified law enforcement officers certified pursuant to § 38-8-107;

SECTION 2. Tennessee Code Annotated, Section 53-10-304, is amended by deleting subsection (c) in its entirety and substituting instead the following:

(c) The purpose of the database is to assist in research, statistical analysis, criminal investigations, enforcement of state or federal laws involving controlled substances, and the education of healthcare practitioners concerning patients who, by virtue of their conduct in acquiring controlled substances, may require counseling or intervention for substance abuse, by collecting and maintaining data as described in this part regarding all controlled substances in Schedules II, III and IV dispensed in this state, and Schedule V controlled substances identified by the controlled substance database advisory committee as demonstrating a potential for abuse.

SECTION 3. Tennessee Code Annotated, Section 53-10-306, is amended by deleting the section in its entirety and substituting instead the following:

(a) Information sent to, contained in, and reported from the database in any format is confidential and not subject to Title 10, Chapter 7, regarding public records, and not subject to subpoena from any court and shall be made available only as provided for in § 53-10-308 and to the following persons, and in accordance with the limitations stated and rules promulgated pursuant to this part:

(1) Personnel of the committee specifically assigned to conduct analysis or research;

(2) Authorized committee, board, or Department of Health personnel engaged in analysis of controlled substances prescription information as a part of the assigned duties and responsibilities of their employment;

(3) A licensed healthcare practitioner having authority to prescribe or dispense controlled substances, to the extent the information relates specifically to a current or bona fide prospective patient of the practitioner, to whom the practitioner has prescribed or dispensed or is prescribing or dispensing or considering prescribing or dispensing any controlled substance;

(4) A licensed pharmacist having authority to dispense controlled substances to the extent the information relates specifically to a current patient to whom that pharmacist has dispensed, is dispensing or considering dispensing any controlled substance;

(5) Personnel of the following entities actively engaged in analysis of controlled substances prescription information as a part of their assigned duties and responsibilities related directly to TennCare:

(A) The office of inspector general;

(B) The Medicaid fraud control unit; and

(C) The Bureau of TennCare's chief medical officer, associate chief medical directors, director of quality oversight, and associate director of pharmacy; or

(6) Law enforcement personnel; provided, that such personnel are engaged in the official investigation and enforcement of state or federal laws involving controlled substances; and that any law enforcement personnel receiving information from the database pursuant to this section shall comply with the requirements of this subsection:

(A)(i) Any law enforcement agency or judicial district drug task force that wants one (1) or more of its officers or agents to have the authorization to request information from the database shall first pre-approve each such officer. Pre-approval shall be by the applicant's supervisor, who shall be either the chief of police, county sheriff or the judicial district drug task force director. The list of pre-approved applicants shall be sent to the district attorney general in the judicial district in which the agency or task force has jurisdiction.

(ii) By December 1 of each year, each district attorney general shall send to the board of pharmacy a list of applicants authorized to request information from the database from that general's judicial district for the next calendar year.

(B)(i) If the Tennessee Bureau of Investigation wants one (1) or more of its agents to have the authorization to request information from the database each such agent shall first be pre-approved by the agent's immediate supervisor and division head. Approved applicants shall be sent to the board by the director.

(ii) By December 1 of each year, the TBI director shall send to the board of pharmacy a list of applicants authorized to request information from the database from the bureau for the next calendar year.

(C) An application submitted by a law enforcement agency, a judicial drug task force or the TBI shall include, but not be limited to, the:

(i) Applicant's name; title; agency; agency address; agency contact number; agency supervisor; and badge number, identification number or commission number, and the business email address of each applicant officer or agent, the appropriate district attorney general and, if a TBI agent, the TBI director and their business email addresses; and

(ii) Signatures of the applicant, the applicants approving supervisor and the district attorney general of the judicial district in which the applicant has jurisdiction or the approving division head and the TBI director.

(D) It shall be a duty of the board, as part of its duties to maintain the database pursuant to § 53-10-305(c), to receive and verify the lists of authorized applications sent to it by the district attorneys general and the director of the TBI pursuant to this subsection.

(b) When requesting information from the database, the board shall require law enforcement personnel to provide a case number as part of the process for requesting information from the database. The case number entered shall correspond

with an official investigation involving controlled substances and information requested should directly relate to the investigation.

(c) The board of pharmacy shall by rule, establish a fee for providing information to a law enforcement agency, judicial district drug task force or Tennessee Bureau of Investigation pursuant to this section. In determining the fee and type of fee to be charged, the board shall consider options such as an annual fee or a per use, incremental cost basis, fee.

(d)(1) Law enforcement personnel and judicial district drug task force agents who are authorized to request information from the database shall resubmit their identifying application information that was submitted pursuant to subdivision (a)(6)(C) to the appropriate district attorney by November 20 of each year. Such resubmitted applications shall be sent by the appropriate district attorney general to the board by December 1 of each year. If during the calendar year a name is added to the list, removed from the list or information about a person on the list changes, the appropriate district attorney shall immediately notify the board of any changes to the list submitted or in the information submitted for each officer or agent on the list application.

(2) Tennessee Bureau of Investigation agents who are authorized to request information from the database shall resubmit their identifying application information that was submitted pursuant to subdivision (a)(6)(C) to the TBI director by November 20 of each year. Such resubmitted applications shall be sent by the TBI director to the board by December 1 of each year. If during the calendar year a name is added to the list, removed from the list or information about a person on the list changes, the TBI director shall immediately notify the board of any changes to the list submitted or in the information submitted for each officer or agent on the list application.

(e)(1) Information obtained from the database may be shared with other law enforcement personnel or prosecutorial officials, only upon the direction of the officer or agent who originally requested the information and may only be shared with law enforcement personnel from other law enforcement agencies who are directly participating in an official joint investigation.

(2) Any information obtained from the database that is sent to a law enforcement official or a judicial district drug task force agent shall also be sent to the district attorney general of the judicial district in which such officer or agent has jurisdiction. Likewise, any database information sent to a Tennessee Bureau of Investigation agent shall also be sent to the TBI director.

(f) To ensure the privacy and confidentiality of patient records, information obtained from the database by law enforcement personnel shall be retained by the law enforcement personnel's respective department or agency. The information obtained from the database shall not be made a public record, notwithstanding the use of the information in court for prosecution purposes. Information obtained from the database shall be maintained as evidence in accordance with each law enforcement agency's respective procedures relating to the maintenance of evidence.

(g) Any information disseminated pursuant to subdivisions (a)(1)-(5) shall be released to the individual or entity requesting the information by the database manager or by password-protected internet access.

(h) Any licensed practitioner or pharmacist receiving patient-specific information pursuant to subdivision (a)(1), (a)(2), (a)(3) or (a)(4) shall not disclose the information to any person other than:

(1) The patient to whom the information relates and then only for the purpose of adjusting the patient's treatment plans or counseling the patient to seek substance abuse treatment;

(2) Other dispensers identified by the information and then only for the purposes of verifying the accuracy of the information; and

(3) Any law enforcement agency or judicial district drug task force to whom reporting of controlled substances being obtained in a manner prohibited by § 53-11-402(a)(6) is required by § 53-11-309.

(i) If a law enforcement officer, judicial district drug task force agent or Tennessee Bureau of Investigation agent has probable cause to believe, based upon information received from a database request, that a prescriber or pharmacist may be acting or may have acted in violation of the law, the officer or agent shall consult with the board of pharmacy inspector's office if a pharmacist and the health-related boards' investigations unit is a prescriber.

(j)(1) At least every six (6) months, the board shall send a list to each district attorney general containing all requests made for database information during the previous six (6) months. The list shall include the name of the requesting officer or agent, the officer or agent's agency, the date of the request, and the nature of the request, including the case number, for each officer or agent making a request in such district attorney's judicial district. Likewise, a list shall be sent to the director of the Tennessee Bureau of Investigation for all TBI agents making requests during the previous six (6) months.

(2) Each district attorney general and the Tennessee Bureau of Investigation director shall use the list to perform an audit to determine if the database information requests made during the preceding six (6) month period correspond to specific cases under investigation in the applicable judicial district or by the bureau and if the information requested is relevant and pertinent to an investigation.

(3) Each district attorney general and the TBI director shall verify all database information requests contained on the list received and send it back to the board within sixty (60) days of receipt. If a database information request does not correspond to an investigation in the applicable jurisdiction or if the information requested was not relevant or pertinent to the information requested, the district attorney general or director shall so note on the verified list and shall investigate the discrepancy and make a report back to the board within a reasonable period of time.

(4) The results of the audit conducted pursuant to subdivision (j)(2) shall be discoverable by a prescriber or pharmacist charged with violating any state or federal law involving controlled substances or under a notice of charges proffered by a licensing board for a violation of any law involving controlled substances, but only the results pertaining to that prescriber or pharmacist is discoverable. However, if there is an active criminal investigation involving a prescriber or the prescriber is under investigation by the health-related boards' investigation unit, the results of the audit conducted pursuant to subdivision (j)(2) shall not be discoverable by the prescriber during either such period.

(k)(1) Any person who obtains or attempts to obtain information from the database by misrepresentation or fraud is guilty of a Class A misdemeanor.

(2) Any person who knowingly uses, releases, publishes, or otherwise makes available to any other person or entity any information submitted to, contained in, or obtained from the database for any purpose other than those specified in this part is guilty of a Class A misdemeanor.

(3) Intentional unauthorized use or disclosure of database information by law enforcement personnel, judicial district drug task force members or TBI agents shall be punishable as a Class A misdemeanor.

(4) Any law enforcement personnel, judicial district drug task force member or TBI agent charged with a violation of this section shall have such person's authorization to request information from the database suspended pending final disposition of any criminal prosecution. Any law enforcement personnel, judicial district drug task force member or TBI agent found guilty of a violation of this subsection (i) shall have such person's authorization to request information from the database permanently revoked.

(l)(A) The following personnel of the Department of Mental Health actively engaged in analysis of controlled substances prescription information as a part of their assigned duties and responsibilities shall have access to the database for controlled substances prescription information for specific patients:

(i) The chief pharmacist;

(ii) The State Opioid Treatment Authority (SOTA) or SOTA designee; and

(iii) The medical director.

(B) Aggregate controlled substances prescribing information from the database may be provided upon request by the following personnel of the Department of Mental Health, who are actively engaged in analysis of controlled substances prescription information as provided in this subsection, and may be shared with other personnel of the Department of Mental Health as needed to fulfill assigned duties and responsibilities:

(i) The chief pharmacist;

(ii) The SOTA; or

(iii) The medical director.

SECTION 4. Tennessee Code Annotated, Section 53-10-303, is amended by adding the following as a new subsection:

() (1) The committee shall have the duty to examine database information to identify unusual patterns of prescribing and dispensing controlled substances that appear to be higher than normal, taking into account the particular specialty, circumstances, patient-type or location of the prescriber or dispenser.

(2)(A) If the committee determines that a pharmacist or pharmacy has an unusually high pattern of dispensing controlled substances that is not explained by other factors, it shall refer the pharmacist or pharmacy to the chief board of pharmacy investigator.

(B) When the pharmacy investigator completes the investigation of any pharmacy or pharmacist referred to it by the committee pursuant to this subsection, the investigator shall report the results of the investigation back to the committee as follows:

(i) The investigator shall report that the investigation was dismissed if the results of the investigation indicate that the pharmacist or pharmacy had an unusually high dispensing pattern for explainable, legitimate and lawful reasons; or

(ii) The investigator shall report that the investigation was referred to the pharmacy board if the results indicate that a prescriber has an unusually high pattern of prescribing or dispensing controlled substances that are not explained by other factors.

(C) If the action taken by the board indicate that the pharmacist or pharmacy had an unusually high dispensing pattern for explainable, legitimate and lawful reasons, the committee shall take that finding into consideration before it again refers the same pharmacist or pharmacy to the investigator based upon similar conduct.

(3)(A) If the committee determines that a prescriber has an unusually high pattern of prescribing or dispensing controlled substances that are not explained by other factors, it shall refer the prescriber to the health-related boards' investigation unit.

(B) When the boards' investigator completes the investigation of any prescriber referred to it by the committee pursuant to this subsection, the investigator shall report the results of the investigation back to the committee as follows:

(i) The investigator shall report that the investigation was dismissed if the results of the investigation indicate that the prescriber had an unusually high dispensing pattern for explainable, legitimate and lawful reasons; or

(ii) The investigator shall report that the investigation was referred to the health-related boards if the results indicate that a prescriber has an unusually high pattern of prescribing or dispensing controlled substances that are not explained by other factors.

(C) If the action taken by the board indicate that the prescriber had an unusually high dispensing or prescribing pattern for explainable, legitimate and lawful reasons, the committee shall take that finding into consideration before it again refers the same prescriber to the health-related boards' investigation unit based upon similar conduct.

(4) If a pharmacy investigator or a member of the health-related boards' investigation unit has reason to believe during any part of an investigation that a prescriber or dispenser is in violation of a criminal law, the investigator is authorized to report the conduct to the appropriate district attorney general.

SECTION 5. Tennessee Code Annotated, Section 53-10-309, is amended by adding the following language to the end of the section:

In addition to the annual report submitted to the general assembly by the committee, authorized committee, board, or Department of Health personnel engaged in analysis of controlled substance prescription information as a part of the assigned duties and responsibilities of their employment shall release information from the database requested by a member of the general assembly that is related to research, statistical analysis, or education of healthcare practitioners relative to controlled substances. However, no report released pursuant to this section shall contain the name or other indentifying information of a specific prescriber or pharmacist contained in the report. All information released from the database for such a report shall be in the aggregate.

SECTION 6. This act shall take effect July 1, 2011, the public welfare requiring it.

On motion, Amendment No. 1 was adopted.

Thereupon, **House Bill No. 954**, as amended, passed its third and final consideration by the following vote:

Ayes 33
Noes 0

Senators voting aye were: Barnes, Beavers, Bell, Berke, Burks, Campfield, Crowe, Faulk, Finney, Ford, Gresham, Harper, Haynes, Henry, Herron, Johnson, Kelsey, Ketron, Kyle, Marrero, McNally, Norris, Overbey, Roberts, Southerland, Stewart, Summerville, Tate, Tracy, Watson, Woodson, Yager and Mr. Speaker Ramsey--33.

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A motion to reconsider was tabled.

Senate Bill No. 1197 -- Courts -- As introduced, allows any person who provides satisfactory proof that such person graduated from a court reporting program prior to January 1, 2010, to be licensed to practice as a court reporter. Amends TCA Title 20, Chapter 9, Part 6.

Senator Beavers moved to amend as follows:

AMENDMENT NO. 1

AMEND by deleting Section 1 in its entirety and substituting instead the following:

SECTION 1. Tennessee Code Annotated, Section 20-9-613, is amended by deleting subsection (c) and substituting instead the following:

(c) The deadline for receiving applications under subsections (a), (b) and (d) shall be July 1, 2011.

(d) Any person who graduated during the year 2000 from an accredited college located in this state with a major in Office Systems Technology, concentration in court reporting, upon payment of the licensure fee in an amount determined by the board, shall be automatically granted a license pursuant to this part and thereby may practice as a court reporter

On motion, Amendment No. 1 was adopted.

Thereupon, **Senate Bill No. 1197**, as amended, passed its third and final consideration by the following vote:

Ayes	26
Noes	2

Senators voting aye were: Beavers, Bell, Burks, Campfield, Crowe, Faulk, Ford, Gresham, Harper, Haynes, Henry, Johnson, Kelsey, Ketron, Kyle, McNally, Norris, Overbey, Roberts, Southerland, Summerville, Tracy, Watson, Woodson, Yager and Mr. Speaker Ramsey--26.

Senators voting no were: Berke and Marrero--2.

A motion to reconsider was tabled.

Senator Bell moved that **Senate Bill No. 1431** be placed on the Calendar for Monday, May 16, 2011, which motion prevailed.

Senator Marrero moved that **Senate Bill No. 1483** be placed on the Calendar for Thursday, May 12, 2011, which motion prevailed.

Senate Bill No. 1496 -- Probation and Parole -- As introduced, clarifies that misdemeanor probation services may also be provided by a public company other than a municipality or county. Amends TCA Section 40-35-302.

On motion, Senate Bill No. 1496 was made to conform with **House Bill No. 1778**.

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On motion, House Bill No. 1778, on same subject, was substituted for Senate Bill No. 1496.

Senator Beavers moved to amend as follows:

AMENDMENT NO. 1

AMEND by adding the following new section immediately preceding the last section and by renumbering the subsequent section accordingly:

SECTION ____ Tennessee Code Annotated, Section 40-35-302, is amended by deleting from the second sentence of subdivision (f)(1) the language "county probation service" and substituting instead the language "county or public probation service".

On motion, Amendment No. 1 was adopted.

Thereupon, **House Bill No. 1778**, as amended, passed its third and final consideration by the following vote:

Ayes	33
Noes	0

Senators voting aye were: Barnes, Beavers, Bell, Berke, Burks, Campfield, Crowe, Faulk, Finney, Ford, Gresham, Harper, Haynes, Henry, Herron, Johnson, Kelsey, Ketron, Kyle, Marrero, McNally, Norris, Overbey, Roberts, Southerland, Stewart, Summerville, Tate, Tracy, Watson, Woodson, Yager and Mr. Speaker Ramsey--33.

A motion to reconsider was tabled.

Senator Johnson moved that **Senate Bill No. 1539** be placed on the Calendar for Monday, May 16, 2011, which motion prevailed.

Senator Tracy moved that **Senate Bill No. 1671** be placed on the Calendar for Thursday, May 12, 2011, which motion prevailed.

Senator Ketron moved that **Senate Bill No. 1745** be placed on the Calendar for Monday, May 16, 2011, which motion prevailed.

Senate Bill No. 1833 -- Education, Curriculum -- As introduced, rewrites requirement that LEAs must integrate minimum of 90 minutes physical activity per week to require LEAs to integrate 30 minutes of physical activity per school day for elementary and secondary school students. Amends TCA Title 49, Chapter 6.

On motion, Senate Bill No. 1833 was made to conform with **House Bill No. 9**.

On motion, House Bill No. 9, on same subject, was substituted for Senate Bill No. 1833.

On motion of Senator Gresham, Amendment No. 1 was withdrawn.

Thereupon, **House Bill No. 9** passed its third and final consideration by the following vote:

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Ayes 33
Noes 0

Senators voting aye were: Barnes, Beavers, Bell, Berke, Burks, Campfield, Crowe, Faulk, Finney, Ford, Gresham, Harper, Haynes, Henry, Herron, Johnson, Kelsey, Ketron, Kyle, Marrero, McNally, Norris, Overbey, Roberts, Southerland, Stewart, Summerville, Tate, Tracy, Watson, Woodson, Yager and Mr. Speaker Ramsey--33.

A motion to reconsider was tabled.

Senate Bill No. 1938 -- Sexual Offenders -- As introduced, provides that the HIV test a sexual offender is required to undergo must be performed within 48 hours after the presentment of the indictment or information and with or without the request of the victim. Amends TCA Title 39, Chapter 13, Part 5.

On motion, Senate Bill No. 1938 was made to conform with **House Bill No. 1270**.

On motion, House Bill No. 1270, on same subject, was substituted for Senate Bill No. 1938.

On motion of Senator Beavers, Amendment No. 1 was withdrawn.

Thereupon, **House Bill No. 1270** passed its third and final consideration by the following vote:

Ayes 33
Noes 0

Senators voting aye were: Barnes, Beavers, Bell, Berke, Burks, Campfield, Crowe, Faulk, Finney, Ford, Gresham, Harper, Haynes, Henry, Herron, Johnson, Kelsey, Ketron, Kyle, Marrero, McNally, Norris, Overbey, Roberts, Southerland, Stewart, Summerville, Tate, Tracy, Watson, Woodson, Yager and Mr. Speaker Ramsey--33.

A motion to reconsider was tabled.

Senate Bill No. 2095 -- Bond Issues -- As introduced, authorizes the state to issue and sell bonds and anticipation notes of up to \$106.4 million for purpose of grants to the Southeast Tennessee Development District and the Industrial Development Board of the City of Memphis and Shelby County.

Senator Norris declared Rule 13 on **Senate Bill No. 2095**.

On motion, Senate Bill No. 2095 was made to conform with **House Bill No. 2134**.

On motion, House Bill No. 2134, on same subject, was substituted for Senate Bill No. 2095.

On motion of Senator McNally, Amendment No. 1 was withdrawn.

Thereupon, **House Bill No. 2134** passed its third and final consideration by the following vote:

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Ayes 33
Noes 0

Senators voting aye were: Barnes, Beavers, Bell, Berke, Burks, Campfield, Crowe, Faulk, Finney, Ford, Gresham, Harper, Haynes, Henry, Herron, Johnson, Kelsey, Ketron, Kyle, Marrero, McNally, Norris, Overbey, Roberts, Southerland, Stewart, Summerville, Tate, Tracy, Watson, Woodson, Yager and Mr. Speaker Ramsey--33.

A motion to reconsider was tabled.

Senate Bill No. 551 -- Licenses -- As introduced, requires licenses issued by the Department of Commerce and Insurance and licenses required to work as athlete agents, lobbyists, and K-12 public school teachers to be denied, suspended, or revoked, if student loans are not paid. Amends TCA Title 3; Title 49 and Title 56, as amended.

Thereupon, **Senate Bill No. 551**, as amended, passed its third and final consideration by the following vote:

Ayes 32
Noes 1

Senators voting aye were: Barnes, Beavers, Bell, Berke, Burks, Campfield, Crowe, Faulk, Finney, Gresham, Harper, Haynes, Henry, Herron, Johnson, Kelsey, Ketron, Kyle, Marrero, McNally, Norris, Overbey, Roberts, Southerland, Stewart, Summerville, Tate, Tracy, Watson, Woodson, Yager and Mr. Speaker Ramsey--32.

Senator voting no was: Ford--1.

A motion to reconsider was tabled.

Senate Bill No. 763 -- Boards and Commissions -- As introduced, authorizes TWRA to enter into partnership agreements with nonprofit organizations to promote agency goals and objectives including the development of guidelines for the use of advertising on agency motor vehicles and vessels. Amends TCA Title 70, Chapter 1, Part 2 and Title 70, Chapter 1, Part 3.

Senator Southerland moved that Amendment No. 1 be placed behind Amendment No. 2, which motion prevailed.

Senator McNally moved to amend as follows:

AMENDMENT NO. 2

AMEND by deleting all of the language after the enacting clause and substituting the following:

SECTION 1. Tennessee Code Annotated, Section 70-1-302, is amended by adding the following as a new, appropriately designated subsection:

() (1) The wildlife resources agency is authorized to enter into partnership agreements with nonprofit organizations for the purpose of promoting and supporting the goals and objectives of the agency including, but not limited to, marketing opportunities.

(2) This subsection shall not be interpreted to abridge any powers or duties delegated to the agency in this part.

(3) The nonprofit partners shall have their boards of directors elected by a process approved by the governor or the governor's designee.

(4) The nonprofit partners shall be properly incorporated under the laws of the State of Tennessee, and approved by the Internal Revenue Service as organizations that are exempt from federal income tax under § 501(a) of the Internal Revenue Code, 26 U.S.C. § 501(a), by virtue of being organizations described in § 501(c)(3) of the Internal Revenue Code, 26 U.S.C. § 501(c)(3).

(5) Costs to underwrite the nonprofit partners' activities related to marketing opportunities shall be borne from revenues of the nonprofit partners and no state employee shall benefit from such proceeds. All proceeds in excess of the cost of operation shall be deposited exclusively into the wildlife resources fund as established in § 70-1-404 and shall not revert to the general fund.

(6) The nonprofit partners shall annually submit to the governor, the Speakers of the Senate and the House of Representatives, and the chairman of the Tennessee Wildlife Resources Commission, within ninety (90) days after the end of their fiscal year, a complete and detailed report setting forth their operation and accomplishments.

(7) The annual reports and all books of accounts and financial records of all funds received by grant, contract or otherwise from state, local or federal sources shall be subject to audit annually by the comptroller of the treasury. With prior approval of the comptroller of the treasury, the audit may be performed by a licensed independent public accountant selected by the nonprofit partner. If an independent public accountant is employed, the audit contract between the nonprofit partner and the independent accountant shall be on contract forms prescribed by the comptroller of the treasury. The cost of any audit shall be paid by the nonprofit partner. The comptroller of the treasury shall ensure that audits are prepared in accordance with generally accepted governmental auditing standards and determine if the audits meet minimum audit standards prescribed by the comptroller of the treasury. No audit may be accepted as meeting the requirements of this section until approved by the comptroller of the treasury.

SECTION 2. Tennessee Code Annotated, Title 70, Chapter 1, Part 2, is amended by adding the following as a new, appropriately designated section:

70-1-2_.

(a) The Wildlife Resources Commission is authorized to develop rules and regulations for corporate sponsorship on appropriate agency motor vehicles and vessels. Such guidelines may include, but are not limited to, signage placement, safety concerns and prohibited practices.

(b) Such commercial sponsorship shall not include, identify or promote:

(1) Alcohol or tobacco products;

(2) Adult-oriented establishments, as defined in § 7-51-1102 or § 7-51-1401;

(3) Political candidacies, political issue advocacy, or political campaign advertising, as prohibited in § 2-19-144; or

(4) Any unlawful conduct or activities.

(c) The department shall prefer sponsorship by organizations that are wildlife- or boating-related.

(d)(1) The sponsorship message shall include only the name and/or logo of the sponsor.

(2) The sponsorship message may only be located on the back of the vehicle or vessel.

(3) The logo of the sponsor shall not exceed four hundred (400) square inches in size, and the lettering identifying the sponsor shall not exceed eight inches (8") in height.

SECTION 3. If any provision of this act or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of the act which can be given effect without the invalid provision or application, and to that end the provisions of this act are declared to be severable.

SECTION 4. This act shall take effect upon becoming a law, the public welfare requiring it.

On motion of Senator Herron, Amendment No. 1 to Amendment No. 2 was withdrawn.

On motion, Amendment No. 2 was adopted.

On motion of Senator Southerland, Amendment No. 1 was withdrawn.

Senator Herron moved to amend as follows:

AMENDMENT NO. 3

AMEND by adding the following to the end of the amendatory language of Section 1 of the bill as amended by Senate Amendment 2 (drafting code 0007079):

(8) All full board meetings of a nonprofit organization concerning activities authorized by Section 2 of this act or pursuant to § 70-1-302(f) shall be open to the public, except for executive sessions that include, but are not limited to, any of the following matters: litigation; audits or investigations; human resource issues; gift acceptance deliberations; board training; governance; donor strategy sessions; and security measures.

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(9) All expenditures of a nonprofit organization relating to activities authorized by Section 2 of this act or pursuant to § 70-1-302(f) shall be open for public inspection upon specific request to the nonprofit organization.

On motion, Amendment No. 3 was adopted.

Senator Faulk moved to amend as follows:

AMENDMENT NO. 4

AMEND by deleting subsection (a) in Section 2 of the bill as amended by Senate Amendment 2 (drafting code 0007079) and by substituting instead the following language:

(a) The Wildlife Resources Commission is authorized to develop rules and regulations for corporate sponsorship on appropriate agency motor vehicles and vessels; provided, however, no corporate sponsorship shall be placed on agency law enforcement motor vehicles or vessels. Such rules and regulations may include, but are not limited to, signage placement, safety concerns and prohibited practices.

On motion, Amendment No. 4 was adopted.

Thereupon, **Senate Bill No. 763**, as amended, passed its third and final consideration by the following vote:

Ayes	31
Noes	2

Senators voting aye were: Barnes, Beavers, Bell, Berke, Burks, Campfield, Crowe, Faulk, Ford, Gresham, Harper, Haynes, Henry, Herron, Johnson, Kelsey, Ketron, Kyle, Marrero, McNally, Norris, Overbey, Roberts, Southerland, Summerville, Tate, Tracy, Watson, Woodson, Yager and Mr. Speaker Ramsey--31.

Senators voting no were: Finney and Stewart--2.

A motion to reconsider was tabled.

MESSAGE CALENDAR

SENATE BILL ON HOUSE AMENDMENT

Senate Bill No. 509 -- Orders of Protection -- As introduced, allows the court to assess all court costs, filing fees, litigation taxes and attorneys' fees against a petitioner seeking an order of protection if the court conducts a hearing separate from the hearing on the petition and determines that the petitioner is not a domestic abuse, stalking or sexual assault victim, the refusal to issue or extend an order was based on such fact, and the petition was filed frivolously. Amends TCA Title 36, Chapter 3, Part 6.

HOUSE AMENDMENT NO. 1

AMEND by deleting subdivision (a)(2) of the amendatory language of Section 1 and substituting instead the following:

(2) If the court does not issue or extend an order of protection, the court may assess all court costs, filing fees, litigation taxes and attorney fees against the petitioner if the court makes the following finding by clear and convincing evidence:

(a) The petitioner is not a domestic abuse victim, stalking victim or sexual assault victim and that such determination is not based on the fact that the petitioner requested that the petition be dismissed, failed to attend the hearing or incorrectly filled out the petition; and

(b) The petitioner knew that the allegation of domestic abuse, stalking, or sexual assault was false at the time the petition was filed.

Senator Faulk moved that the Senate nonconcur in House Amendment No. 1 to **Senate Bill No. 509**, which motion prevailed.

SENATE BILL ON HOUSE AMENDMENT

Senate Bill No. 1055 -- Water -- As introduced, requires any public water system or waterworks system that discontinues the fluoridation of its water supply to give notice of such discontinuance to the Departments of Health and Environment and Conservation within 10 days of decision and public notice to customers in the next general mailing, which must be 30 days prior to discontinuance. Amends TCA Title 68, Chapter 221.

HOUSE AMENDMENT NO. 1

AMEND by deleting subsection () in Section 1 and substituting instead the following:

() Any public water system or waterworks system as defined in this title, which determines to initiate or permanently cease fluoridation of its water supply, shall notify the Department of Environment and Conservation and the Department of Health of its decision within ten (10) days of the decision. The water system shall additionally give public notice to its customers in the next general mailing, such mailing to be thirty (30) days prior to initiation or discontinuance.

Senator Barnes moved that the Senate concur in House Amendment No. 1 to **Senate Bill No. 1055**, which motion prevailed by the following vote:

Ayes	32
Noes	0

Senators voting aye were: Barnes, Beavers, Bell, Berke, Burks, Campfield, Crowe, Faulk, Finney, Ford, Gresham, Harper, Haynes, Henry, Herron, Johnson, Kelsey, Ketron, Kyle, Marrero, Norris, Overbey, Roberts, Southerland, Stewart, Summerville, Tate, Tracy, Watson, Woodson, Yager and Mr. Speaker Ramsey--32.

A motion to reconsider was tabled.

SENATE BILL ON HOUSE AMENDMENT

Senate Bill No. 1405 -- Flags -- As introduced, requires that P.O.W.-M.I.A. flag be displayed at state capitol and each county courthouse and city or town hall on any day U.S. flag is displayed at such buildings. Amends TCA Title 58, Chapter 4, Part 3.

HOUSE AMENDMENT NO. 2

AMEND by deleting all language after the enacting clause and by substituting instead the following:

SECTION 1. Tennessee Code Annotated, Section 58-4-301, is amended by designating the existing language as subsection (a) and by adding the following language as a new subsection (b):

(b) In addition to the requirements of subsection (a), the P.O.W.-M.I.A. flag may be displayed over the state capitol, in accordance with § 4-1-406(a), on any day the United States flag is displayed over the state capitol.

SECTION 2. Tennessee Code Annotated, Section 58-4-302, is amended by deleting the section in its entirety and by substituting instead the following language:

(a) Any individual or group may donate a P.O.W.-M.I.A. flag to a county, municipal or state government for the display of the flag pursuant to this part.

(b) In addition to the display of the flag over the state capitol pursuant to § 58-4-301(b), the P.O.W.-M.I.A. flag may be displayed by a county or municipal government at the following buildings on any day the United States flag is displayed:

(1) The courthouse or other building that serves as the main administrative building of the county; or

(2) The building that serves as the city or town hall or main administrative building of the municipality.

(c) If the flag is displayed, it shall be displayed in accordance with § 4-1-406(a).

SECTION 3. Tennessee Code Annotated, Section 58-4-303, is amended by deleting the language "is donated for display at a public building" and by substituting instead the language "is donated for display to and is displayed by the state, county or municipal government in accordance with this part,".

SECTION 4. Tennessee Code Annotated, Section 58-4-304, is amended by deleting the language "shall be displayed at public buildings in the state during normal business hours." and by substituting instead the language "if displayed, shall be displayed in accordance with this part during normal business hours."

SECTION 5. This act shall take effect upon becoming a law, the public welfare requiring it.

Senator Gresham moved that the Senate concur in House Amendment No. 2 to **Senate Bill No. 1405**, which motion prevailed by the following vote:

Ayes	33
Noes	0

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Senators voting aye were: Barnes, Beavers, Bell, Berke, Burks, Campfield, Crowe, Faulk, Finney, Ford, Gresham, Harper, Haynes, Henry, Herron, Johnson, Kelsey, Ketron, Kyle, Marrero, McNally, Norris, Overbey, Roberts, Southerland, Stewart, Summerville, Tate, Tracy, Watson, Woodson, Yager and Mr. Speaker Ramsey--33.

A motion to reconsider was tabled.

MOTION

Senator Yager moved that Rule 83(8) be suspended for the purpose of placing **Senate Bill No. 1348**; and **House Joint Resolution No. 129** on the calendar for the Committee on State and Local Government for Tuesday, May 10, 2011, which motion prevailed.

RECALL OF BILL

On motion of Senator McNally, **Senate Bill No. 230** was recalled from the Committee on Finance, Ways and Means.

REFERRAL OF BILL

Senator McNally moved that Senate Bill No. 230 be referred to the Committee on Calendar, which motion prevailed.

MOTION

On motion of Senator Roberts, his name was added as sponsor of **Senate Bill No. 21**.

On motion of Senator Burks, her name was added as sponsor of **Senate Bills Nos. 391, 1016, 1051 and 1990**.

On motion of Senators Marrero, Ford, Tate and Burks, their names were added as sponsors of **Senate Bill No. 488**.

On motion of Senators Burks, Tate, Beavers, Herron and Stewart, their names were added as sponsors of **Senate Bill No. 1003**.

On motion of Senator Kelsey, his name was added as sponsor of **Senate Bill No. 1234**.

On motion of Senator Summerville, his name was added as sponsor of **Senate Bill No. 1438**.

On motion of Senators Overbey and Summerville, their names were added as sponsors of **Senate Bill No. 1483**.

On motion of Senator Bell, his name was added as sponsor of **Senate Bill No. 1878**.

On motion of Senator Gresham, her name was added as prime sponsor of **Senate Bill No. 1916**.

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On motion of Senators Overbey, Burks and Ford, their names were added as sponsors of **Senate Bill No. 1938**.

On motion of Senators Tate, Ford, Marrero, Kyle, Yager and Mr. Speaker Ramsey, their names were added as sponsors of **Senate Bill No. 2095**.

On motion of Senator Haynes, his name was added as sponsor of **House Joint Resolution No. 129**.

On motion of Senator Faulk, his name was added as sponsor of **House Joint Resolutions Nos. 352, 353, 354, 355, 356 and 357**.

On motion of Senator Overbey, his name was added as sponsor of **House Joint Resolution No. 362**.

On motion of Senator Gresham, her name was added as sponsor of **House Joint Resolution No. 400**.

On motion, all Senators' names were added as sponsors of **Senate Bill No. 1833**.

ENGROSSED BILLS

May 9, 2011

MR. SPEAKER: Your Chief Engrossing Clerk begs leave to report that we have carefully examined Senate Bills Nos. 551, 763, 813, 814, 1065, 1086, 1197, 1602, 1721 and 1878; and Senate Joint Resolutions Nos. 169, 213, 214, 309, 310, 311, 312, 313 and 352; and find same correctly engrossed and ready for transmission to the House.

M. SCOTT SLOAN,
Chief Engrossing Clerk.

MESSAGE FROM THE HOUSE

May 9, 2011

MR. SPEAKER: I am directed to transmit to the Senate, House Bills Nos. 429, 432, 1076, 1210, 1248, 1625, 1632, 1698 and 2008; passed by the House.

JOE MCCORD,
Chief Clerk.

MESSAGE FROM THE HOUSE

May 9, 2011

MR. SPEAKER: I am directed to transmit to the Senate, House Bills Nos. 2114 and 2116, passed by the House.

JOE MCCORD,
Chief Clerk.

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MESSAGE FROM THE HOUSE

May 9, 2011

MR. SPEAKER: I am directed to transmit to the Senate, House Joint Resolutions Nos. 179, 182, 194, 197, 304, 394, 395, 396, 399, 400, 401, 402, 403, 404, 405 and 406; adopted, for the Senate's action.

JOE MCCORD,
Chief Clerk.

MESSAGE FROM THE HOUSE

May 9, 2011

MR. SPEAKER: I am directed to transmit to the Senate, House Joint Resolution No. 410, adopted, for the Senate's action.

JOE MCCORD,
Chief Clerk.

MESSAGE FROM THE HOUSE

May 9, 2011

MR. SPEAKER: I am directed to return to the Senate, Senate Bills Nos. 1045, 1464 and 1572; substituted for House Bills on same subjects and passed by the House.

JOE MCCORD,
Chief Clerk.

MESSAGE FROM THE HOUSE

May 9, 2011

MR. SPEAKER: I am directed to return to the Senate, Senate Bill No. 1880, substituted for House Bill on same subject and passed by the House.

JOE MCCORD,
Chief Clerk.

MESSAGE FROM THE HOUSE

May 9, 2011

MR. SPEAKER: I am directed to return to the Senate, Senate Joint Resolution No. 30, concurred in by the House.

JOE MCCORD,
Chief Clerk.

MESSAGE FROM THE HOUSE

May 9, 2011

MR. SPEAKER: I am directed to return to the Senate, Senate Joint Resolution No. 58, concurred in by the House.

JOE MCCORD,
Chief Clerk.

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ENROLLED BILLS

May 10, 2011

MR. SPEAKER: Your Chief Engrossing Clerk begs leave to report that we have carefully compared Senate Bills Nos. 1045, 1055, 1405, 1464, 1572 and 1880; and find same correctly enrolled and ready for the signatures of the Speakers.

M. SCOTT SLOAN,
Chief Engrossing Clerk.

ENROLLED BILLS

May 10, 2011

MR. SPEAKER: Your Chief Engrossing Clerk begs leave to report that we have carefully compared Senate Joint Resolutions Nos. 30 and 58, and find same correctly enrolled and ready for the signatures of the Speakers.

M. SCOTT SLOAN,
Chief Engrossing Clerk.

ENROLLED BILLS

May 10, 2011

MR. SPEAKER: Your Chief Engrossing Clerk begs leave to report that we have carefully compared Senate Resolution No. 47, and find same correctly enrolled and ready for the signature of the Speaker.

M. SCOTT SLOAN,
Chief Engrossing Clerk.

MESSAGE FROM THE HOUSE

May 10, 2011

MR. SPEAKER: I am directed to transmit to the Senate, House Bills Nos. 9, 10, 55, 123, 220, 301, 401, 415, 533, 731, 775, 794, 963, 965, 974, 981, 1055, 1169, 1177, 1194, 1270, 1279, 1591, 1760, 1889, 2006, 2133 and 2134; for the signature of the Speaker.

JOE MCCORD,
Chief Clerk.

MESSAGE FROM THE HOUSE

May 10, 2011

MR. SPEAKER: I am directed to transmit to the Senate, House Joint Resolutions Nos. 352, 353, 354, 355, 356, 357, 358 and 362; for the signature of the Speaker.

JOE MCCORD,
Chief Clerk.

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SIGNED

May 9, 2011

The Speaker announced that he had signed the following: Senate Bills Nos. 96, 356, 413, 414, 611, 753, 798, 845, 854, 912, 1030, 1087, 1173, 1213, 1271, 1391, 1538, 1557, 1674, 1785, 1824, 2009 and 2103.

SIGNED

May 9, 2011

The Speaker announced that he had signed the following: House Bills Nos. 248, 305, 338, 389, 621, 758, 773, 968, 969, 1135 and 1498.

SIGNED

May 10, 2011

The Speaker announced that he had signed the following: Senate Bills Nos. 349, 1045, 1055, 1405, 1464, 1572 and 1880.

SIGNED

May 10, 2011

The Speaker announced that he had signed the following: Senate Joint Resolutions Nos. 30 and 58.

SIGNED

May 10, 2011

The Speaker announced that he had signed the following: Senate Resolution No. 47.

SIGNED

May 10, 2011

The Speaker announced that he had signed the following: House Joint Resolutions Nos. 352, 353, 354, 355, 356, 357, 358 and 362.

MESSAGE FROM THE HOUSE

May 10, 2011

MR. SPEAKER: I am directed to return to the Senate, Senate Bills Nos. 96, 356, 413, 414, 611, 753, 798, 845, 854, 912, 1030, 1087, 1173, 1213, 1271, 1391, 1538, 1557, 1674, 1785, 1824, 2009 and 2103; signed by the Speaker.

JOE MCCORD,
Chief Clerk.

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MESSAGE FROM THE HOUSE

May 10, 2011

MR. SPEAKER: I am directed to return to the Senate, Senate Bills Nos. 349, 1045, 1055, 1405, 1464, 1572 and 1880; signed by the Speaker.

JOE MCCORD,
Chief Clerk.

MESSAGE FROM THE HOUSE

May 10, 2011

MR. SPEAKER: I am directed to return to the Senate, Senate Joint Resolutions Nos. 30 and 58, signed by the Speaker.

JOE MCCORD,
Chief Clerk.

REPORT OF CHIEF ENGROSSING CLERK

May 10, 2011

MR. SPEAKER: Your Chief Engrossing Clerk begs leave to report that we have transmitted to the Governor the following: Senate Bills Nos. 96, 356, 413, 414, 611, 753, 798, 845, 854, 912, 1030, 1087, 1173, 1213, 1271, 1391, 1538, 1557, 1674, 1785, 1824, 2009 and 2103; for his action.

M. SCOTT SLOAN,
Chief Engrossing Clerk.

REPORT OF CHIEF ENGROSSING CLERK

May 10, 2011

MR. SPEAKER: Your Chief Engrossing Clerk begs leave to report that we have transmitted to the Governor the following: Senate Joint Resolutions Nos. 30 and 58, for his action.

M. SCOTT SLOAN,
Chief Engrossing Clerk.

MESSAGE FROM THE GOVERNOR

May 9, 2011

MR. SPEAKER: I am directed by the Governor to return herewith: Senate Joint Resolutions Nos. 206, 207, 208, 209, 210, 211, 212, 215, 216, 217, 218, 219, 220, 223 and 295; with his approval.

HERBERT H. SLATERY III,
Counsel to the Governor.

MESSAGE FROM THE GOVERNOR

May 10, 2011

MR. SPEAKER: I am directed by the Governor to return herewith: Senate Joint Resolutions Nos. 325 and 326, with his approval.

HERBERT H. SLATERY III,
Counsel to the Governor.

MONDAY, MAY 9, 2011 -- 32ND LEGISLATIVE DAY

**REPORT OF COMMITTEE ON CALENDAR
CONSENT CALENDAR**

MR. SPEAKER: Your Committee on Calendar begs leave to report that we have met and set the following bills on the calendar for Wednesday, May 11, 2011: Senate Joint Resolutions Nos. 314, 316, 317, 318, 319, 320, 322, 323 and 324; Senate Resolutions Nos. 36, 37, 38, 39, 40, 41, 42, 43 and 44; and House Joint Resolutions Nos. 361, 363, 364, 365, 366, 367, 368, 371, 372 and 387.

This the 9th day of May, 2011.
MIKE FAULK, Chairperson.

REPORT OF COMMITTEE ON CALENDAR

MR. SPEAKER: Your Committee on Calendar begs leave to report that we have met and set the following bills on the calendar for Wednesday, May 11, 2011: Senate Bills Nos. 61, 169, 174, 178, 352, 411, 465, 520, 783, 870, 1007, 1023, 1198, 1582, 1598, 1670, 1845, 1850, 1910 and 2077.

This the 9th day of May, 2011.
MIKE FAULK, Chairperson.

**REPORT OF COMMITTEE ON CALENDAR
SENATE MESSAGE CALENDAR**

Pursuant to Rule 44, notice has been given on the following bill and it has been set on the Message Calendar for Wednesday, May 11, 2011: Senate Bill No. 741.

This the 9th day of May, 2011.
MIKE FAULK, Chairperson.

**REPORT OF COMMITTEE ON CALENDAR
CONSENT CALENDAR # 1**

MR. SPEAKER: Your Committee on Calendar begs leave to report that we have met and set the following bills on the calendar for Thursday, May 12, 2011: Senate Resolution No. 46; and House Joint Resolutions Nos. 373, 374, 375, 376, 377, 378, 379, 380, 381, 382, 383, 384, 385, 386, 388, 389, 390, 391, 392 and 393.

This the 10th day of May, 2011.
MIKE FAULK, Chairperson.

**REPORT OF COMMITTEE ON CALENDAR
CONSENT CALENDAR # 2**

MR. SPEAKER: Your Committee on Calendar begs leave to report that we have met and set the following bills on the calendar for Thursday, May 12, 2011: Senate Joint Resolution No. 276; and House Joint Resolution No. 192.

This the 10th day of May, 2011.
MIKE FAULK, Chairperson.

MONDAY, MAY 9, 2011 -- 32ND LEGISLATIVE DAY

REPORT OF COMMITTEE ON CALENDAR

MR. SPEAKER: Your Committee on Calendar begs leave to report that we have met and set the following bills on the calendar for Thursday, May 12, 2011: Senate Bills Nos. 230, 266, 326, 395, 480, 487, 632, 953, 1203, 1215, 1239, 1521, 1522, 1571, 1658, 1951, 1958 and 1962; Senate Joint Resolution No. 221; Senate Bills Nos. 426, 522, 803, 1438, 1471, 1483, 1671 and 1935; and House Bill No. 1151.

This the 10th day of May, 2011.
MIKE FAULK, Chairperson.

**REPORT OF COMMITTEE ON CALENDAR
SENATE MESSAGE CALENDAR**

Pursuant to Rule 44, notice has been given on the following bills and they have been set on the Message Calendar for Thursday, May 12, 2011: Senate Bills Nos. 219, 220 and 16.

This the 10th day of May, 2011.
MIKE FAULK, Chairperson.

ADJOURNMENT

Senator Norris moved the Senate adjourn until 8:30 a.m., Wednesday, May 11, 2011, which motion prevailed.